



H.C.P(MD)No.2040 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.12.2022

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDAR MOHAN**

H.C.P.(MD)No.2040 of 2022

R.malliga

.. Petitioner / Mother of the
Detenu

Vs.

1.The Inspector of Police,
Rural Police Station,(Sub Urban)
Virudhunagar,
Virudhunagar District.

2.The MMSSS Home,
Home & Reception Centre,
Gandhinagar,
Rosalpatti-Post,
Virudhunagar District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the person or body of detenu namely (minor) Rashmi daughter of Ramadoss, aged about 17 years, before this Court and hand over her custody to the petitioner.

For Petitioner :Mr.R.Manickam

For R1 & R2 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

**DR G.JAYACHANDRAN, J.
AND
SUNDER MOHAN, J.**

This Habeas Corpus Petition is filed by the mother of the minor girl, who was ordered to be kept in the Home, by this Court, vide order dated 14.11.2022.

2.Earlier the very same petitioner filed a Habeas Corpus Petition alleging that her minor daughter has eloped with one Dhineshkumar, and sought for tracing her daughter and restore the custody to her. This Court entertained that Habeas Corpus Petition on 07.11.2022 and directed the respondent police to trace the minor girl. Accordingly, the minor girl was traced and produced before this Court. When this Court enquired the minor girl, she refused to go along with her mother and she preferred to stay in the Home care. The petitioner also was not interested in taking custody of the child stating that her daughter is not under her control and expressed her willingness to allow the detenu to stay at Home, till she attains 18 years.

3.While so, the present Habeas Corpus Petition is filed seeking to produce the minor girl and hand over the custody to her.



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4.This Habeas Corpus Petition is not maintainable. Since the child is being in the custody of the second respondent viz., The MMSSS Home, Virudhunagar District, pursuant to the order of this Court, dated 14.11.2022 and the said order was passed after hearing the mother as well as the minor girl.

5.For the aforesaid reasons, this Court dismissed the Habeas Corpus Petition, as a frivolous petition filed by the mother of the minor girl with some ulterior reason.

(G.J.,J.) (S.M.,J.)
06.12.2022

Index: Yes/No

Internet: Yes/No

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To

- 1.The Inspector of Police,
Rural Police Station,(Sub Urban)
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Virudhunagar District.
- 2.The MMSSS Home,
Home & Reception Centre,
Gandhinagar,
Rosalpatti-Post,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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