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H.C.P.No.49 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.49 of 2023

K.Babu
S/o.Kathirvel

.. Petitioner

Vs

1. State by
The Superintendent of Police,
Vellore District,
Vellore.

2. State by
Inspector of Police,
Vellore Taluk Police Station,
Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents herein to produce the body of the petitioner's minor daughter Ramya aged about 17 years and hand it over to the petitioner.

For Petitioner	:	Ms.R.Abirami
For Respondents	:	Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.M.Sylvester John, Advocate



ORDER

WEB COPY [Order of the Court was made by **M.NIRMAL KUMAR, J.**]

This Court, on 02.03.2023, passed the following order:

'Today, learned Additional Public Prosecutor filed a Status report of the Superintendent of Police dated 01.03.2023.

2.From the earlier report of the Inspector of Police dated 08.02.2023 it is seen that steps have been taken to secure the minor girl, it was suspected that the detenu was with one Manikandan. The said Manikandan's mobile number was collected, CDR report awaited and the relatives of Manikandan were also examined. It is seen that the sister and grandmother of the said Manikandan are aiding him.

3.Learned Additional Public Prosecutor submits that one Sathish @ Ramesh, Advocate contacted Inspector of Police, Vellore Taluk Police Station, informed that he would produce the minor girl before this Court directly. Thereafter, yesterday [01.03.2023] the said Sathish @ Ramesh dropped the minor girl in front of Vellore Taluk Police Station and left. On the appearance of the minor girl, she was enquired but she failed to co-operate with the enquiry not giving any further details. Thereafter, for the purpose of producing the minor girl before this Court, she was handed over to the After Care Home at Periya Allapuram, Vellore District for care and protection.



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4.Today [02.03.2023], the minor girl is produced before this Court. On interaction, the minor girl states that her parents were ill treating her, not allowing her to continue her education and forcing her to do domestic work and she was also at times physically assaulted by her parents, for which reason she left the parental home. She further states that she was staying in Melmaruvathur temple, Acharapakkam all these days and thereafter appeared before the respondent police.

5.In the counter affidavit, it is stated that the minor girl was staying at Samayapuram Temple, Trichy. Learned Additional Public Prosecutor submits that she is giving contra statements and that is the reason there are contradictions.

6.The petitioner and his wife viz., parents of the minor girl present in Court today. On interaction, it is found that the petitioner is working as a Mason and his wife is employed in a tannery. Both of them denied the allegation made by their daughter and they were clear that the said Manikandan who is aged about 31 years residing in the nearby area has taken their minor daughter in illegal custody. Further, both of them state that they are willing to provide their daughter with education, love, care and affection. But the minor girl is not willing to join her parents.

7.This Court finds the statement of the minor girl to be further verified with particulars. Further, she is a minor and her



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date of birth is 21.05.2005. In view of the same, the second respondent is directed to produce the minor girl before the Child Welfare Committee [CWC] who has to take appropriate steps in protecting the minor girl and save her from exploitation if any. The Child Welfare Committee to place the girl in a Home or continue her to stay at After Care Home at Periya Allapuram, Vellore District. The Inspector of Police, All Women Police Station, Katpadi to join the investigation along with the second respondent and to conduct further investigation with regard to the complaints made by the petitioner. The minor girl to be provided with counselling. The parents of the minor girl alone are permitted to meet her without any others intervention. The Police to continue with the investigation.

*8.Status report to be filed within a period of four weeks.
List the matter on 30.03.2023.'*

2. In continuation and conjunction to the earlier order passed on 02.03.2023, the minor girl was produced before this Court. The petitioner, his wife and his brother-in-law are present before this Court.

3. Learned Additional Public Prosecutor produced a report from the Child Welfare Committee in letter No.54/A1/2023 dated 27.03.2023. On a perusal of the same, it is seen that the petitioner met his minor daughter on



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three occasions, viz., 09.03.2023, 15.03.2023 and 22.03.2023 and had interactions with his daughter. Further, counselling was provided to the minor girl, now the minor girl is willing to join with her parents and interested to study B.Sc. Nursing course. The parents have also agreed to the same.

4. Today, we had an interaction with the minor girl as well as her parents. The minor girl confirmed her willingness to join with her parents, the parents also confirmed that they would provide with education as she wishes.

5. Recording the willingness of the minor girl to join with her parents, the Habeas Corpus Petition is closed.

(M.S.,J.)

(M.N.K.,J.)

30.03.2023

Index : Yes / No

Speaking / non-speaking

Neutral Citation : Yes / No

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**M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,**

rsi

To

1. The Superintendent of Police,
Vellore District,
Vellore.
2. The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

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