



H.C.P.No.1696 of 2023

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S.S.SUNDAR, J

and

SUNDER MOHAN, J

[Order of the Court was made by **S.S.SUNDAR, J**]

This petition has been filed seeking a direction to the second respondent police to produce the petitioner's minor daughter, Deepa, aged 17 years, from the custody of third respondent and to handover her custody to the petitioner herein.

2. Heard Mr.T.Elumalai, learned counsel for petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. This Court, while disposing of the present petition on 01.09.2023, has observed as follows:

"8. In the light of the narrative thus far, let the absentee be produced before jurisdictional Magistrate [We are informed that Judicial Magistrate No.I, Denkanikottai, Krishnagiri District is the jurisdictional Magistrate] with advance intimation to petitioner. We request learned jurisdictional Magistrate to record statements of absentee, petitioner and / anyone else concerned with the matter. If the absentee reiterates what she had told police, she will go with petitioner (absentee's mother) and if that not be so, she



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may have to be sent to a Home as she is a minor. Learned jurisdictional Magistrate to proceed in accordance with law.

9. As the captioned HCP is being disposed of in the Admission Board when third respondent is not before us, we make it clear that all rights and contentions of third respondent are preserved, if there are any other collateral / connected proceedings. To be noted, rights of petitioner, absentee and all other concerned with this matter are also preserved. If there are any connected / collateral proceedings, such Court/s/Forum/Fora/Authority/Authorities shall deal with the matter/s on its own merits and in accordance with law untrammelled by this order which has been made for the limited purpose of giving a closure to the habeas legal drill on hand."

4. Today, learned Additional Public Prosecutor submitted that the detinue was produced before the District Munsif cum Judicial Magistrate, Denkanikottai.

5. The District Munsif cum Judicial Magistrate, Denkanikottai, has filed a report dated 22.09.2023. On a perusal of the same, this Court finds that the detinue has stated before the Magistrate that she is not willing to go with her mother as she is afraid that if she goes with her mother, she might kill her. In the said circumstances, the detinue was placed in Way to Life Home, Denkanikottai, till 19.09.2023 and was directed to be produced before the Child Welfare Committee, Krishnagiri.



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6. Learned Additional Public Prosecutor submitted that the petitioner

and her husband are living separately on account of matrimonial dispute.

Learned Additional Public Prosecutor further submitted that the detenue is now with the father.

The report of the learned District Munsif cum Judicial Magistrate, Denkanikottai, reveals that the direction issued by this Court *vide* order dated 01.09.2023, has been complied with. Compliance recorded.

[S.S.S.R., J] [S.M., J]
08.11.2023

gm



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