



WEB COPY



HCP.No.2004/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

HCP.No.2004/2023

M.Ananthavalli

... Petitioner

Vs.

1.The State rep. By
The Superintendent of Police
Ariyalur District,
Ariyalur 621 704.

2.The Inspector of Police
Koovagam Police Station
Ariyalur District 621 710.

3.Mrs.D.Annakodi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India in the nature of habeas corpus directing the respondents to produce the body of the petitioner's daughter namely, Ms.M.Bhavana, aged about 17 years before this Court from the illegal custody of the 3rd respondent and hand over to the petitioner.



HCP.No.2004/2023

For Petitioner
For RR 1 & 2

: Mr.M.Palanimuthu
: Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

- (1)The present petition is filed by the petitioner, mother of the detenue Bhavana, aged 17 years, to cause production of her daughter, who is said to be missing, before this Court and to hand over her custody to her.
- (2)The case of the petitioner herein is that her daughter, the detenue herein, who was studying 12th standard, was found missing and that she was abducted by one Mr.D.Lenin, son of Dharmalingam with the mental and monetary support of the 3rd respondent herein.
- (3)No notice was served on the 3rd respondent. However, pursuant to filing of this petition, the 2nd respondent police produced the detenu before this Court on 16.10.2023.
- (4)On enquiry, the detenue stated that she left her parental home on her own and that she expressed her unwillingness to go along with her mother and that, she wants to be in a Government Home. Hence, she was housed at Vallalar Home, Lingathadi Medu, Kallangakurichi, Ariyalur. The matter



HCP.No.2004/2023

WEB COPY

was directed to be listed today [15.11.2023]. The Child Welfare Committee, Ariyalur, was also directed to file a Report after giving counselling to the detainee.

(5) Today, the detainee is produced before us from the Home.

(6) When the matter is taken up today in the forenoon session, the detainee expressed her willingness to go with her aunt. Since it is stated that the aunt referred to by the detainee is not her relative, but the relative of the 3rd respondent, this Court wanted the mother/petitioner herein to spend some time with her daughter/detainee so that the petitioner may be in a position to convince her daughter to go along with her.

(7) Again, when the matter is taken up in the afternoon session, the detainee has expressed her willingness in unequivocal terms that she is willing to go along with her mother/petitioner herein.

(8) Since the detainee is a minor, we feel that her custody with the mother would be more safer and secure.

(9) In such circumstances, recording the statement of the detainee, this Habeas Corpus Petition is closed.



HCP.No.2004/2023

WEB COPY

(10) However, the 2nd respondent police may visit the petitioner and her daughter/detenué once in two weeks for a period of two months to ensure the safety of the detenué.

[S.S.S.R., J.] [S.M, J.]
15.11.2023

AP

Internet : Yes

To

1. The Superintendent of Police
Ariyalur District,
Ariyalur 621 704.
2. The Inspector of Police
Koovagam Police Station
Ariyalur District 621 710.
3. The Public Prosecutor,
High Court, Madras.

S.S. SUNDAR, J.,



WEB COPY



HCP.No.2004/2023

and
SUNDER MOHAN, J.,

AP

HCP.No.2004/2023

15.11.2023