



HCP(MD)No.1022 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.1022 of 2023

K.Senthamarai

.. Petitioner

Vs.

1.The Inspector General of Police
South zone Inspector General of Police,
Race Course Road, Madurai.

2.The Superintendent of Police
O/o.The Superintendent of Police
Sivagangai District

3.The Inspector of Police,
All Women Police Station,
Sivagangai District.

4.Selvakumar

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 to 3 to produce the person or body of the petitioner's daughter namely K.Vaishavi Daughter of Karuppaiah (aged about 16) before this Court and hand over the custody to the petitioner.



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For Petitioner : Mr.M.Venkatesan

For Respondents : Mr.RMS.Sethuraman

Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

The petitioner's daughter, viz., K.Vaishnavi born on 29.03.2007 and now aged about 16 years, had left her mother's house, pursuant to which, on a complaint preferred by the petitioner, the second respondent herein had registered a case in Crime No.5/2023, initially for offence under Section 363 IPC and during investigation, when it came to light that Vaishnavi married the fourth respondent herein, the offences were altered to Sections 363 IPC and 5(l) and 6 of POCSO Act r/w Sections 9 and 10 of the Child Marriage Act and the investigation is pending.

2.In this background, the second respondent had produced the petitioner's daughter before us. She stated that she had discontinued her 12th standard in the Government Higher Secondary School, Thirukostiyur. She has also given a statement to the second respondent on 15.08.2023 expressing that she had left her mother owing to certain misunderstanding



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and conduct of her mother. She has also stated that she had voluntarily left the house in view of the love and affection she had for the fourth respondent herein.

3. We have perused the statement given by the petitioner's daughter to the second respondent, which is self-explanatory. If there be some truth in what the petitioner's daughter has stated in her statement, it would not be appropriate to compel her to live with her mother. Likewise, it would not be appropriate for us to direct her to live with the fourth respondent herein, since she is a minor. In this background, we are of the view that the second respondent could be directed to entrust Vaishnavi, the petitioner's daughter to the Child Welfare Committee, 48 Colony, Sivagangai and a direction could be given to the Committee to afford the care and protection to the petitioner's daughter till she becomes major.

4. Accordingly, there shall be a direction to the second respondent to forthwith entrust Ms.Vaishnavi, daughter of Karuppaiah, with the Child Welfare Committee, 48 Colony, Sivagangai, forthwith, in any event, by today ie., 16.08.2023. The Child Welfare Committee, in turn, shall afford



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necessary care and protection to Vaishnavi till she becomes a major (18 years). Further, the Committee shall also ensure that Vaishnavi completes her school education.

5. With the aforesaid observation and direction, this petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
16.08.2023

NCC : Yes / No

Internet : Yes

Office to Note: Order copy by today itself (16.08.2023)

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To

- 1.The Inspector General of Police
South zone Inspector General of Police,
Race Course Road, Madurai.
- 2.The Superintendent of Police
O/o.The Superintendent of Police
Sivagangai District
- 3.The Inspector of Police,
All Women Police Station,
Sivagangai District.
- 4.The Child Welfare Committee
48 Colony, Sivagangai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.S.RAMESH, J.
and
M.NIRMAL KUMAR,J.

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