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H.C.P.No.1278 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1278 of 2024

Valanteena

...Petitioner

Vs.

1.State by

The Commissioner of Police,
Avadi Commissionerate,
Avadi – 600 054.

2.The Inspector of Police,
B4, Police Station,
Sevvapet, Thiruvallur.

3.The Child Welfare Committee,
No.190/2, Flat No.873,
TNHB, Kakkalur Bypass Road,
Thiruvallur.

4.Jayanthi

...Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents to produce minor child, namely Shruti, (aged 14 years) D/o James, who is illegally detained by respondent No.3 or 4 before the Court and handover to me.



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For Petitioner : Ms.S.Nadhiya
For R1 & R2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

Heard Ms.S.Nadhiya, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor, for the respondents 1 and 2.

2. The minor daughter of the 4th respondent, who was born on 15.04.2010 and now aged about 14 years, is claimed to have been under the care and protection of the petitioner, who is the neighbour. Thereafter, it is claimed that the 4th respondent, who is the biological mother of the minor girl, had taken the custody of her minor daughter and refusing to return her to the petitioner. With such a claim, the petitioner seeks custody of the minor girl.

3. Today, when we had interacted with the minor girl, the petitioner, as well as the 4th respondent, in our Chambers, the girl, though



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was aged only 14 years, was very mature and in unequivocal terms expressed that she was in the custody of her biological mother from her birth till she entered 6th Standard and she used to visit the petitioner herein, who was her neighbour, quite often. She also stated that between 6th Standard and 8th Standard, she was under the care and protection of the petitioner herein for two years. Thereafter, she had returned back to her biological mother/4th respondent herein and continues to be under her care and protection.

4. When we enquired with the minor girl with regard to her choice of living, she clearly stated that she intends to live only with her biological mother/4th respondent herein. In our interaction with the petitioner, she also expressed that she has no intention to separate the minor girl from the 4th respondent herein. However, she expressed that the 4th respondent should not deny her visiting the minor girl either at her house or at school. To such a desire, the 4th respondent also agreed.

5. In view of the petitioner's own submission that she has no intention of separating the minor girl from her mother, the prayer sought for in the present Habeas Corpus Petition does not require consideration.



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However, in view of the statements made by both the petitioner, as well as the 4th respondent herein, that the petitioner can visit the minor girl whenever she intends to, liberty is hereby granted to the petitioner in this regard. We hereby also clarify that the petitioner can visit the 4th respondent's minor daughter at her school premises after the school hours.

6. With this liberty, the Habeas Corpus Petition stands closed.

[M.S.R., J] [S.M., J]
25.06.2024

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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Avadi Commissionerate,
Avadi – 600 054.
- 2.The Inspector of Police,
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Sevvapet, Thiruvallur.
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- 4.The Public Prosecutor,
High Court of Madras.



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