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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 18.01.2024

CORAM

**THE HONOURABLE DR. JUSTICE ANITA SUMANTH**

**W.P.No.29405 of 2023**

Sardhani Begam

... Petitioner

Vs

1.The Superintendent of Police,  
Krishnagiri, Pothinayanapally, Jakkappan Nagar,  
Krishnagiri 635 001

2.The Inspector of Police,  
AWPS Police Station,  
Hosur, Krishnagiri

3.The Chairperson,  
The Child Welfare Committee,  
Londenpet, (Near bus stand)  
Krishnagiri.

4.Nausad  
(R4 – Suo motu impleaded as per order dated  
11.10.2023 made in WP.No.29405 of 2023)

.... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3<sup>rd</sup> respondent to handover petitioners daughter Minor.Mubin taj, daughter of the petitioner/mother from the Krishnagiri child welfare home as per law and fixing a time frame.



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For Petitioner : Mr.R.Ramasamy  
For Respondents : Mr.R.Kishore Kumar (for R1 & R2)  
Government Advocate

Mr.Stalin Abhimanyu (for R3)  
Additional Government Pleader

Mr.V.Sundararaman (for R4)

### **ORDER**

Read this order in continuation of and in conjunction with previous orders, specifically, 06.11.2023, 15.12.2023 and 21.12.2023, that read as follows:

'06.11.2023

*Petitioner is called absent.*

2. *Status report dated Nil November, 2023 has been filed. However, investigation does not appear to be full fledged insofar as no charge under the POCSO Act has been framed in Crime No.62 of 2023 and this omission is solely based on a Section 164 statement of Ms.Mubeen Taj that has been recorded by the authorities to the effect that she went to Bangalore by herself and not with Mr.Shaul Hameed.*

3. *In fact, there is a letter written by Ms.Mubeen Taj on 03.07.2023 that she had gone to Bangalore with Mr.Shaul Hameed. The authorities proceed on the basis that it is a 'fake letter' and there does not appear, to my mind, that a proper investigation has been conducted on this aspect of the matter. That apart, she has also not permitted a medical test.*

4. *To await status report post full-fledged completion of investigation, list on 23.12.2023.'*



'15.12.2023

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*Learned counsel for the petitioner draws attention to his letter seeking withdrawal of this writ petition. However, this Court, is not inclined to consider the same, unconvinced that all is well with the trajectory of events in the matter.*

*2. The minor child was initially taken to St.Joseph Home, Barguru, Krishnagiri and has thereafter been taken to Government Home in Dharmapuri called 'Vallalar Children's Home'. This fact was not brought to the notice of the Court at any time prior to now, though the petitioner as well as authorities appear to have been quite aware of the same even earlier.*

*3. That apart, the Court sees no reason as to why the petitioner wishes to withdraw this writ petition. When enquired, the petitioner counsel states that a HCP is in the process of being filed. Hence, adjourn this matter to 21.12.2023 by which time, the HCP may be filed. The petitioner will confirm whether HCP has been so filed and apprise the Court of any orders passed in that matter.*

*4. Let the petitioner array present R4 i.e., the husband of the petitioner as a part in the HCP so that the entire conspectus of the matter will be available before the HCP Court for their decision.*

*5. List on 21.12.2023 at the end of admission list.'*

'21.12.2023

*Learned counsel for the petitioner states that HCP Sr.No.62947 of 2023 has been filed which is expected to be heard imminently, where the present R4 has also been arrayed as party.*

*2. Hence adjourn this matter to 12.01.2024.'*



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2.The petitioner has moved HCP No.2560 of 2023, wherein the following order has been passed on 11.01.2024:

*'When we had suggested to the learned counsel for the petitioner that the filing of the Writ Petition in WP.No.29405 of 2023 before the learned Single Judge, would be an abuse of process of law, in view of the rejection of his request in G.W.O.P.No.1 of 2018 dated 12.03.2021, the learned counsel sought for time to appear in person before this Court.*

*2.Call the matter on 18.01.2024.*

*3.In the meantime, the fourth respondent, being the father of the minor daughter, is granted liberty to visit his minor daughter, who is now in the care and custody of Vallalar Home, Dharmapuri. The second respondent/Police shall ensure that the fourth respondent's visit to his daughter is amicable, without any interference from any third party.'*

3.Learned counsel for R4 states that an adjournment has been sought even at the stage of mentioning by the learned counsel for the petitioner in the HCP Court today. This is recorded.

4.Since the matter is now taken note of by the Division Bench in the aforesaid HCP and the parties are before that Court, this Court finds no reason to keep this Writ Petition pending any longer and hence the same is closed. No costs.

18.01.2024

Index : Yes / No  
Speaking order  
Neutral citations:Yes  
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To

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**Dr.ANITA SUMANTH,J.**

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