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H.C.P.No.2058 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM :

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

H.C.P.No.2058 of 2023

S. Kamalanathan

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Thiruvannamalai District.

2.Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Habeas Corpus, directing the 2nd respondent herein to produce the body or person of petitioner's daughter Minor namely K.Ramya, D/o.S.Kamalanathan, aged 16 years before this Court and handover her custody to the petitioner.

For Petitioner

: Mr.R. Vinoth Kumar

For Respondents

: Mr.E. Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C. Aravind

ORDER



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

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The petitioner's daughter is a minor, born on 12.12.2007 and now aged about 16 years. On 19.09.2023, she was found missing and the complaint given by the petitioner in this regard, was registered by the second respondent in Crime No.478/2023 dated 22.09.2023. Since there was no adequate progress in the steps taken by the respondents, to trace the petitioner's daughter, he has preferred the present Habeas Corpus Petition.

2. Pending the petition, the second respondent had secured the petitioner's minor daughter and produced her before us.

3. We had interacted with the petitioner's daughter, as well as the petitioner herein, who is also present in the Court. The minor girl stated that she does not intend to reconcile with her parents and that she intends to live in the same home. We had also facilitated the petitioner to interact with his daughter and had accordingly, passed over the matter. At the end of the day, when we had again called the matter and spoke to the petitioner, he reiterated the stand taken by his daughter and stated that he



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does not have any objection, if his daughter resides in a children home and that he may be permitted to visit her.

4. In view of the statements made by the petitioner, as well as the minor daughter, we are of the view that the petitioner's daughter can be made to stay in Government Ladies Welcome Home, Perumbakkam, Thiruvannamalai District.

5. Accordingly, there shall be a direction to the second respondent herein, to hand over the care and custody of the petitioner's daughter to Government Ladies Welcome Home, Perumbakkam, Thiruvannamalai District. During her stay therein, the petitioner is at liberty to visit her, as and when, he requires.

6. With the above direction, the Habeas Corpus Petition stands disposed of.

M.S.R., J] [S.M., J]
22.01.2024

Index: Yes/No
Sni



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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Sni

To

1.The Superintendent of Police,
O/o. Superintendent of Police,
Thiruvannamalai District.

2.Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

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22.01.2024