



H.C.P.(MD) No.403 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

H.C.P.(MD) No.403 of 2024

Dhanam

... Petitioner

-VS-

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Balamedu Police Station,
Madurai District.
Cr.No.82 of 2024.

3.Ajith Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 & 2 to produce the petitioner's daughter namely Ms.Muthuleetchumi, D/o.Dhanam, aged about 17 years or her body before this Court and handover her custody to the petitioner.

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For Petitioner : Mr.M.Jerin Mathew
For R1 & R2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed by the father of the detinue seeking production of his minor daughter before this Court.

2. When the matter was listed for admission on 01.04.2024, it was informed by the learned counsel for the petitioner that the Child Welfare Committee has informed to the petitioner/father of the detinue that the detinue has been secured and pursuant to the order passed by the Child Welfare Committee, dated 28.03.2024 in CWC.No.115 of 2024, the child had been sent to the authorised home.

3. In view of the above, this Court directed the learned Additional Public Prosecutor to get instructions with regard to the same.



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4. Today when the matter is taken up for hearing, Mr.Mannavan, Inspector of Police, Palamedu Police Station accompanying with Mrs.Malarvizhi, Woman Head Constable produced the detenue before this Court. We enquired with the detenue. She stated that due to some misunderstanding with her parents, she had gone to Thiruppur and was staying there and thereafter, she returned back to Madurai and she voluntarily appeared before the Child Welfare Committee.

5. The statement of the child has been disputed by the respondent police stating that the detenue had been abducted by one Ajith Kumar.

6. This Court is of the view that the statement made by the detenue may not be true and the respondent police has to be allowed to investigate the same. On enquiry by us, the detenue states that she is not willing to go along with her parents. Since, the Child Welfare Committee has seized of the matter, the detenue is send back to the home and the Child Welfare Committee shall decide the issue of custody of the child in accordance with law. The petitioner is at liberty to approach the Child Welfare Committee regarding the custody.



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7. In view of the above, this Habeas Corpus Petition is closed.

[A.D.J.C., J.] [K.R.S., J.]

02.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Inspector of Police,
Balamedu Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

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