



H.C.P.(MD) No.414 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM:

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

H.C.P.(MD) No.414 of 2024

P.Pandian

... Petitioner

-VS-

1.The District Collector
Theni District
Theni

2.The Superintendent of Police
Theni District
Theni

3.District Child Welfare Committee
rep.by its Authorized Officer
Collectorate
Theni

4.The Inspector of Police
Devaram Police Station
Theni District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body or person of the detainee namely, XXXXX, daughter of Murugan, aged about 16 years, before this Court and handover to the petitioner's custody.

For Petitioner : Mr.A.Karthik

For Respondents : 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 to direct the respondents to produce the detainee XXXXX, daughter of Murugan, aged about 16 years, before this Court and hand over her custody with the petitioner.

2. According to the petitioner, he is the grandfather of the detainee. His elder daughter Eswari was given in marriage to one Murugan seventeen years ago and out of the wedlock, two daughters were born to her. However, within five years of marriage, difference of opinion arose between the



H.C.P.(MD) No.414 of 2024

couple. Therefore, his daughter handed over her two daughters with the petitioner and went to Tirupur, where she is working in a Private Company. Hence, the petitioner is taking care of his minor granddaughters. While so, he came to know that three years ago, his daughter Eswari had remarried another person and that she is used to come to the Village to visit her daughters. In such circumstances, his daughter had taken her elder daughter (detenue) to Devaram and the elder granddaughter (detenue) is living along with her mother Eswari.

3. Further, according to the petitioner, on 12.03.2024, his daughter Eswari called him over phone and informed him that the respondents 3 and 4 have taken custody of the granddaughter (detenue) and kept her in a home. Immediately, on 13.03.2024, the petitioner had gone to the office of the third respondent / Child Welfare Committee and on enquiry, he came to know that his daughter Eswari had arranged marriage for her daughter (detenue) and since she is a minor, the third respondent had taken the minor child to Mythri Society Child Home, Koduvilarpatti, with the help of the fourth respondent for her safe custody. Now, since the third respondent has refused to hand over the custody of the minor child, her grandfather has filed this habeas corpus petition.



H.C.P.(MD) No.414 of 2024

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that based on an anonymous complaint that preparations were made for marriage of the minor detenue, the fourth respondent secured the minor detenue from her mother Eswari and taking into consideration the welfare of the minor child, the fourth respondent produced her before the third respondent for placing her under a safe custody and for passing appropriate orders under Chapter-VI of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for brevity, “JJ Act”) for her custody.

5. Learned Additional Public Prosecutor would further submit that the today morning at 11.00 a.m., the Child Welfare Committee has conducted an enquiry and handed over the custody of the minor child with her grandfather and mother in the presence of the third respondent – Authorized Officer of the District Welfare Committee and the fourth respondent - Police. To that effect, he has also produced a copy of the proceedings of the Child Welfare Committee dated 08.04.2024 before this Court.



H.C.P.(MD) No.414 of 2024

WEB COPY

6. In view of the submission of the learned Additional Public Prosecutor, no order is required in this habeas corpus petition and the same is, therefore, closed.

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

08.04.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

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Theni District, Theni.
- 2.The Superintendent of Police,
Theni District, Theni.
- 3.District Child Welfare Committee,
rep.by its Authorized Officer,
Collectorate, Theni.
- 4.The Inspector of Police,
Devaram Police Station,
Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P.(MD) No.414 of 2024

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AND
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