



H.C.P(MD)No.958 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

H.C.P.(MD) No.958 of 2024

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... Petitioner / father of the detenu

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Collectorate Campus,
Sivagangai,
Sivagangai District.

2. The Inspector of Police,
Thiruppathur Town Police Station,
Thiruppathur,
Sivagangai District.

3. The Sub Inspector of Police,
Thiruppathur Town Police Station,
Thiruppathur,
Sivagangai District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the Respondents 1 to 3 to produce the petitioner's minor daughter namely, Sangeetha, who is aged about 16 years old before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.A.Abdul Wahab

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The father of a young minor girl, aged about 16 years, who had been missing from 01.07.2024, has filed the present Habeas Corpus Petition.

2. In the petition, it had been stated that the petitioner is running a canteen near Kaliyammal Kovil Street and has a son and daughter. The son is aged about 22 years and the daughter was born on 13.07.2008 and is 16 years of age. She had been studying 12th standard in Nagappa Murugappa Government Higher Secondary School in Thirupathur, Sivagangai District. It had been stated that on 01.07.2024 she was found missing. The petitioner had lodged a complaint and an



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FIR in Crime No.156 of 2024 had been registered under the caption “Girl Missing”. Complaining that no proper action had been taken, even though FIR had been registered, the Habeas Corpus Petition has been filed.

3. The matter came up for consideration on 09.08.2024, when the respondents had produced the young girl. We enquired the girl. She stated that she gone to Tindivanam along with her friend and stated that if she is sent back to the house of her father, her life would be in danger. She stated that she wants to stay with her friend alone.

4. We had sought the assistance of Mr.T.Senthil Kumar, learned Additional Public Prosecutor to find out whether the young girl could be accommodated in a School in Madurai where there could also a home for young children like her to stay and to study.

5. We deeply appreciate the efforts taken by the learned Additional Public Prosecutor, who, after consulting the Chief Educational Officer, Tallakulam, Madurai and also of Mr.Guruprakash, the Legal Probation Officer, Child Welfare Committee in Madurai had



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suggested, 'Balar Illam', (Department of Children Welfare and Special Services) Karadikkal, wherein, Meenakshi Women Higher Secondary School, is also run at Thirumangalam Taluk in Madurai District. It is stated that the child could be accommodated in that particular school and the particular home is within the same campus. This should also ensure her physical safety and hopefully if she is within that particular campus, her mind would be focussed to studies and she might have a better view of life and not a narrow view which enticed her to go to Tindivanam.

6. It is also informed that with respect to FIR in Crime No. 162 of 2024 further investigation will have to be done. Since, the girl has now been recovered, her statement will have to be recorded as she is a minor. The jurisdiction Police namely, All Women Police Station, Tiruppathur may proceed further in completing the investigation in FIR No.162 of 2024 by following due process.

7. Thereafter, they may, with the assistance of Mr.Guruprakash, Legal Probation Officer, Child Welfare Committee in Madurai, and under the directions of the Chief Educational Officer, Tallakulam at Madurai, admit the minor girl at '**Balar Illam**',



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(Department of Children Welfare and Special Services) Karadikkal, Meenakshi Women Higher Secondary School, Thirumangalam Taluk, Madurai District and ensure that all her needs are taken care of under the schemes of the Government and also ensure that she is admitted to school in an appropriate class in accordance with the educational qualification which she has now.

8. We will close the Habeas Corpus Petition, but we would also request the Child Welfare Committee to also give proper counselling to her to focus her life on education rather than on any other frivolous issues.

9. If the petitioner or any of the family members of the minor girl are desirous of meeting the minor girl during her stay, they may get necessary permission from the Legal Probation Officer, Child Welfare Committee at Madurai. The Legal Probation Officer, Child Welfare Committee, may get necessary assurance that the family members of the minor girl would not cause any physical harm to the minor girl, but would only be of assistance to her mental health and not otherwise.



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10. We are informed that the Scheme of the Government includes provision of shelter, food, clothing, uniform, education to young children like the daughter of the petitioner. We place our appreciation for that particular scheme of the Government which is extended to the minor child of the petitioner and we hope that she would also be grateful that such services are rendered by the State Government and realise her responsibilities.

(C.V.K., J.) (J.S.N.P, J.)
14.08.2024

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

RM

Note : Registry is directed to mark a copy of this order to

- 1.The Chief Educational Officer,
Tallakulam at Madurai.
2. Mr.Guruprakash,
Legal Probation Officer Child Welfare Committee,
Madurai.
- 3.The All Women Police Station,
Tiruppathur.



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To

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1. The Superintendent of Police,
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2. The Inspector of Police,
Thiruppathur Town Police Station,
Thiruppathur,
Sivagangai District.

3. The Sub Inspector of Police,
Thiruppathur Town Police Station,
Thiruppathur,
Sivagangai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

5. The Chief Educational Officer,
Tallakulam at Madurai.

6. Mr. Guruprakash,
Legal Probation Officer Child Welfare Committee,
Madurai.

7. The All Women Police Station,
Thiruppathur,
Sivagangai District.



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C.V.KARTHIKEYAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

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