



H.C.P(MD)No.1056 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

and

THE HON'BLE Ms.JUSTICE R.POORNIMA

H.C.P.(MD) No.1056 of 2024

Kannammal

... Petitioner/Mother of the Detenue

Vs

1. The Chairperson,
Child Welfare Committee,
Mendonsa Colony,
Dindigul District.

2. The Inspector of Police,
All Women Oddanchatram Police Station,
Dindigul District.
Crime No. 02/2024.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to secure and produce the detenues or body of the detenues i.e., Petitioner's Daughter, Aged about 16Yrs, Daughter of Marimuthu and her child aged about 45 days, daughter of Kathiresan before this Court and handover them.



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For Petitioner : Mr.C.Karthikeyan
for Ms.P.Krishnaveni

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor.

ORDER

This Habeas Corpus Petition has been filed by the petitioner to direct the respondents 1 and 2 to secure and produce the detenues or body of the detenues i.e., Petitioner's Daughter, aged about 16 years, daughter of Marimuthu and her child aged about 45 days, daughter of Kathiresan before this Court.

2.The petitioner, who is the mother of the young child, who was born on 15.09.2006 and who attained the age of majority in the last week and who was a victim consequent to the registration of FIR in Cr.No.2 of 2024 by the All Women Police Station in Dindigul District for the offences punishable under Section 9 of Child Marriage Restraint Act, 1929 and Sections 5(l)(j)(ii) r/w 6 of POCSO Act, 2012. A child was also been born to the daughter of the petitioner.



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3. During trial in Spl.S.C.No.52 of 2024 in the particular Court, while the daughter of the petitioner gave evidence she informed the learned Sessions Judge that she was under the control of the accused. The learned Sessions Judge immediately passed orders directing the daughter of the petitioner and her infant child to be admitted to the care and protection of Lifeline Trust, 3rd Cross, Chandran Garden, Chinnathiupathi, Salem – 636 003.

4. The present petition has been filed by the petitioner that the daughter of the petitioner with an infant, less than 2 months needs care and protection from the petitioner, who is the mother.

5. On the previous hearing on 12.09.2024, we wanted a report from the Child Welfare Committee at Dindigul and also from the Lifeline Trust about the welfare of the daughter of the petitioner and her infant child.

6. Today (25.09.2024), the petitioner, daughter of the petitioner and her young infant child are present before this Court.



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7.The Child Welfare Committee had forwarded a report in a sealed cover, dated 23.09.2024 stating they had examined the daughter of the petitioner and her child and further stated that the daughter of the petitioner needs the companionship of her mother/petitioner. The petitioner herein has also undertaken that she would take care of her daughter and her infant child.

8.So far as the accused is concerned, it had been stated by the Child Welfare Committee that the daughter of the petitioner had married the accused and that his family members had also undertaken that they will not interfere with the daughter of the petitioner.

9.It is to be noted that the daughter of the petitioner attained majority on 15.06.2024. We therefore hand over the custody of the daughter of the petitioner to her mother and we hope that the petitioner would take care of her daughter and the infant young child. We had impressed upon the responsibility of the petitioner to take care of her daughter.

10.We direct the District Legal Services Committee,



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Dindigul to enquire about the welfare of the daughter of the petitioner, who is now under the care and custody of mother, Kannammal, W/o.Marimuthu, residing at No.5/105, North Street, Virupatchi, Oddanchatram, Dindigul District.

11.We would also place a request before the Chairperson of the Child Welfare Committee to depute a Para Legal worker, preferably a lady to go to the aforesaid address at regular intervals and monitor the welfare of the daughter of the petitioner till the conclusion of trial in Spl.S.C.No.52 of 2024, which is pending for trial before the POCSO Court, Dindigul.

12.Registry while issuing notice to the Chairperson, Child Welfare Committee, Mendonsa Colony, Dindigul District may also enclose a copy of this Habeas Corpus Petition, for reference. A request is placed to the Child Welfare Committee to continue to monitor the welfare of the petitioner's daughter and her child. We deeply appreciate the services rendered by the Child Welfare Committee, Dindigul and the report filed, which reflected the present condition of the petitioner's daughter and the infant child.



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13.In view of the aforementioned direction, no further order is required. Accordingly, this Habeas Corpus Petition is closed.

(C.V.K., J.) (R.P., J.)
25.09.2024

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

PNM

To

1. The Chairperson,
Child Welfare Committee,
Mendonsa Colony,
Dindigul District.

2.The Chairman,
District Legal Services Committee,
Dindigul

3. The Inspector of Police,
All Women Oddanchatram Police Station,
Dindigul District.
Crime No. 02/2024.

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



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C.V.KARTHIKEYAN, J.
and
R.POORNIMA, J.

PNM

ORDER MADE IN
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25.09.2024