



CRL MP(MD). No.10405 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Third day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

AND

The HONOURABLE MS. JUSTICE R. POORNIMA

CRL MP(MD). No.10405 of 2024

in

HCP(MD).No.958 of 2024

Alagu

... Petitioner/Petitioner

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
Sivagangai District
3. The Sub Inspector of Police
Thiruppathur Town Police Station
Thiruppathur Sivagangai District
4. Guruprakash
5. Welcome Illam (Sakthi Vidiyal)
No.21 and 22 Muthupatti
Avaniyapuram,
Madurai District.

... Respondents/Respondents



CRL MP(MD). No.10405 of 2024

Prayer in CRL MP(MD). No.10405 of 2024:-

Criminal Miscellaneous Petition filed Under Article 226 of the Constitution of India praying to pass an order of direction to the 1st and 3rd respondents to produce the petitioner's minor daughter, namely, Sangeetha, D/o Alagu, aged about 16 yrs, detained at 5th respondents home/Welcome Illam (Sakthi Vidiyal), No. 21 and 22 Muthupatti, Avaniyapuram, Madurai District, before this Hon'ble Court and hand over the custody to the petitioner.

Prayer in HCP(MD) No.958/ 2024 :

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court may be pleased to direct the Respondents 1 to 3 to produce the petitioner's minor daughter, namely, Sangeetha, who is aged about 16 year old, before this Honble Court and hand over her custody to the Petitioner.

ORDER:- This Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.A.Banumathy, Advocate for the Petitioner and of Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor for the first to third respondents, this Court made the following order:

"Heard both sides.

2. The petitioner is the father of the detinue. On 1.10.2024, the following interim order was passed:-

"This petition has been filed to produce the daughter of



CRL MP(MD). No.10405 of 2024

WEB COPY

the petitioner who is aged about 16 years and now residing in Welcome Illam(Sakthi Vidiyal) No.21 and 22, Muthupatti, Avaniyapuram, Madurai District. The child had been earlier rescued on the directions of this court and had been handed over to reside at Welcome Illam (Sakthi Vidiyal) No.21 and 22, Muthupatti, Avaniyapuram, Madurai District, vide order dated 14.08.2024 in HCP(MD) No.958 of 2024.

2. In that particular order we had stated as follows:

“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 suggested, -Balar Illam-, (Department of Children Welfare and Special Services) Karadikkal, wherein, Meenakshi Women Higher Secondary



CRL MP(MD). No.10405 of 2024

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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.....

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-, (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



CRL MP(MD). No.10405 of 2024

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”

3. We are informed that proper counselling is being given. This petition has been filed by the father to hand over the custody of the child to him.

4. We had a talk with a child. She has a wavering mind. She states that she want to go along with her brother who is in Chennai and also states that she wants to go with her father who stays at Sivagangai

5. In her best interests, we are of the firm opinion that it would be better if she continues to stay at said Home where counselling is given to her .

6. The learned Additional Public Prosecutor stated that counselling has to be done atleast for two weeks, before she could bring her mind to concentrate on her family.

7. We would re-assess the situation after a period of eight weeks. 8. List the case once again on 02.12.2024. The parents



CRL MP(MD). No.10405 of 2024

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may visit the child at regular intervals, if they so desire. They may be permitted. "

3. Pursuant to the said direction, the child was accommodated at Vidiyal Home. Yesterday, the petitioner's counsel submitted that the child would like to rejoin the parents. Thereupon, we directed the learned Additional Public Prosecutor to cause production of the child. The child appeared before us in person and stated that she would go with her parents. We also suitably counseled the parents.

4. Recording this subsequent development, this petition is disposed of accordingly. "

Sd/-

Assistant Registrar (CS.I)

// True Copy //

/12/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

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TO

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



CRL MP(MD). No.10405 of 2024

2. The Inspector of Police
Thiruppathur Town Police Station
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:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 03/12/2024

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ORDER

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CRL MP(MD).No.10405 of 2024
in
HCP(MD).No.958 of 2024

Giving direction and etc.
as stated within.

SL(09.12.2024)/ 7P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.