



H.C.P(MD)No.1259 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD) No.1259 of 2024

Vijayalakshmi

...Petitioner /Mother of the detenu

Vs.

1.The Superintendent of Police,
Virudhunagar District.

2.The District Child Protection Officer (DCPO),
District Child Protection Unit,
Virudhunagar District.
Virudhunagar.

3.The Inspector of Police,
All Women Police Station,
Virudhunagar.

... 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 and 2 to produce the body or person of the detenu, Karthigai Selvi, D/o.Anthonyraj, aged about 16 years, from the illegal custody of the 2nd respondent and produce her before this Court and hand over the custody of the detenu to the petitioner.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

The Habeas Corpus Petition has been filed by a mother complaining that her daughter, who is now studying 12th standard and still a minor is being kept by the second respondent in a Home Annai Sathya Illam, Soolakarai in Virudhunagar.

2. It is stated that the daughter had complained to the second respondent during their visit to the School raising allegations against the husband of the petitioner/her father. Consequent to such complaint being lodged by the daughter, FIR in Crime No.19 of 2024 had been registered



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for offence punishable under Sections 9(n) r/w 10 of POCSO Act against the husband of the petitioner. He had been remanded to custody. The daughter had been admitted to the Home Annai Sathya Illam at Soolakarai in Virudhunagar District. The daughter is going to School from that particular Home.

3. The grievance raised by the learned counsel for the petitioner is that the petitioner as a mother would be in a better position to afford care and protection to her daughter and that she is being denied the right even to meet her daughter in the Home. It is under those circumstances that this Habeas Corpus Petition had been filed.

4. Mr.T.Senthil Kumar, learned Additional Public Prosecutor stated that on 23.09.2024, when the daughter went to School, she did not return back to home, but rather, continued to stay with the petitioner in her house. It is stated that the daughter was emotionally affected owing to the statement made by the petitioner that she would commit self immolation. Thereafter, on 30.09.2024, the third respondent was able to secure the daughter and once again readmit her to the Home.



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5. Today, the daughter is present before this Court. We had a discussion with her. We had impressed upon her the necessity to complete her 12th standard and get good marks in the 12th standard, so that she would be able to compete with other children, if she wants to apply for any professional course. She has her dreams and states that she wants to do Law and take Law as a course in future. It is very laudable, but to achieve that particular object, it is very much essential that a conducive atmosphere is provided to her and for some time, she must be sheltered from the case which is now pending against her own father on the basis of a complaint given by her.

6. We had told the young child that it would be to her advantage, if she were to continue to reside in the Home and complete her 12th standard. The 12th standard Board exams are scheduled in the month of March, 2025, which would effectively mean that she would have to stay only for a period of at the most 4 months. She can concentrate on her studies till then.

7. The learned counsel for the petitioner stated that the petitioner's protection is also required for the child.



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8. We do agree with that statement, but the privacy of the child should also be respected.

9. We would permit the petitioner to visit the child at the intermittent intervals with a gap of not less than 10 days and if she requests such visit, we are confident that the second respondent would not deny that opportunity. But we would also impress upon the petitioner that she has a responsibility to ensure that the complaint lodged against her husband is prosecuted to its logical end and that she does not brainwash the child in any manner whatsoever. We trust and hope that the petitioner would realise her responsibilities in that regard also that her husband could be a source of danger to other young children, similarly placed like her daughter.

10. Recording as above, we would close the Habeas Corpus Petition.

11. The learned counsel for the petitioner stated that liberty may be given to approach the Court, if the petitioner is of the opinion that the daughter requires her companionship.



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12. The petitioner can always approach the Court, at any time, raising any grievance. But let her keep in mind in the best interest of the child and the better interest of the child is to complete her 12th standard with good marks.

13. Accordingly, this Habeas Corpus Petition stands closed.

(C.V.K., J.) (R.P., J.)
16.10.2024

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



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AND
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ORDER MADE IN
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