



H.C.P(MD)No.1364 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.01.2024

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P(MD)No.1364 of 2023

Senthamarai

... Petitioner

vs.

1. The Inspector of Police,
South Zone Inspector of Police,
Race Course Road, Madurai.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.

3. The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.

4. The Warden/Child Welfare Committee,
Government Children Home For Girls,
No.48, Colony,
Sivagangai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the 3rd and 4th respondents to produce the petitioner's minor daughter namely Vaishnavi, D/o. Karuppiyah, aged about 16 years before this Court and handover the custody to the petitioner.



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For Petitioner : Mr.P.Muthusamy

For R1 & R2 : Mr.RMS.Sethuraman, Additional Public Prosecutor

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ORDER

[Order of the Court was made by **J.NISHA BANU, J.**]

This petition is filed for issuance of a Writ of Habeas Corpus, directing the respondents 3 and 4 to produce the petitioner's minor daughter namely, Vaishnavi, D/o. Karuppiah, aged about 16 years before this Court and handover the custody to the petitioner.

2. The detainee is a minor aged about 16 years. Pursuant to the order passed by this Court dated 16.08.2023, the detainee is kept in the 4th respondent / Warden / Child Welfare Committee, Government Children Home for Girls, No.48, Colony, Sivagangai. Today, the detainee is produced before this Court. We enquired her. She would state that her mother is living with another man and the said person wants the detainee to be with him like her mother and therefore, she does not want to go with her mother and she is willing to stay back in the same home.

3. Pursuant to the direction issued by this Court dated 08.11.2023, the 4th respondents has also filed a report stating that the



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detenue is residing in the Government Home for girls, Sivagangai, from 15.08.2023 and she is studying 12th Standard in Government Girls Higher Secondary School at Sivagangai. The 4th respondent has further stated that the detenue has also given a written statement that she does not want to go with her mother, she is willing to stay in the same home till completion of 12th Standard and also requested to not to allow her mother to see her and allow her sister to see her. Such written statement of the detenue is also enclosed along with the report of the 4th respondent.

4. In view of the statement made by the detenue, we are not inclined to send her with her mother. The detenue shall be kept in the same home until her majority. The 4th respondent may permit the sister of the detenue to see the detenue in the home.

5. Accordingly, the Habeas Corpus Petition is dismissed. No costs.

(J.N.B., J.)

(K.K.R.K., J.)

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Index : Yes / No
Neutral Citation : Yes / No
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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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and
K.K.RAMAKRISHNAN, J.

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