



H.C.P.(MD)No.518 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

H.C.P.(MD)No.518 of 2024

Sugi .. Petitioner

Vs.

1. The Superintendent of Police
Kanyakumari District, Nagercoil.

2. The Inspector of Police
All Women Police Station
Marthandam, Kanyakumari District.

3. The Warden
Home of Bethal Ashram
Bethal Nagar, Shenbagaramanpudhur
Nagercoil, Kanyakumari District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of Habeas Corpus, directing the second respondent herein to produce the body or person of the petitioner's minor daughter namely, Shajana, D/o.Singh, aged about 16 years, before this Court and handover the custody of the detinue to the petitioner.

For the Petitioner : Mr.A.N.Ramanathan



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H.C.P.(MD)No.518 of 2024

For the Respondents : Mr.Anthony Sahaya Prabhakar
Additional Public Prosecutor
for R1 and R2

Mr.Arunramanathan
for M/s.Spicy Law Firm
for R3

ORDER

(Order of the Court was authored by R.SURESH KUMAR, J.)

The prayer sought in this Habeas Corpus Petition is to direct the second respondent herein to produce the body or person of the petitioner's minor daughter namely, *Shajana*, D/o. *Singh*, aged about 16 years, before this Court and handover the custody of the detainee to the petitioner.

2. After several hearings, when the matter came up last for hearing on 22.04.2025, we have passed the following order:-

"Pursuant to our last order dated 02.04.2025, one Mr.N.Ravi, Senior Member of the Child Welfare Committee appeared before the Court and he would state that, after the disposal of the H.C.P., no communication or order has been communicated to the Child Welfare Committee about the order passed by this Court in the earlier H.C.P., directing the victim girls to be under the custody of the Home till further orders are passed by the Court.



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H.C.P.(MD)No.518 of 2024

2. He would further state, even after the order is passed by the Court, that order has not been communicated, either by the police or by the Home. Therefore, as per the procedure in vogue, once the victim girl has become major, since she can be released from the Home at her willingness, the Home has to decide and release her based on the request made by the grandmother of the victim girl, for which the victim girl also, since has attained majority, has agreed upon and such a release order has been passed by the Home and it has been intimated to the Child Welfare Committee.

3. In the meanwhile, it is brought to our notice that, before the Trial Court on 08.04.2025, P.Ws. 1 to 3 were examined. P.W.1 was the first victim girl, P.W.2 was the second victim girl and P.W.3 was the mother of the victim girls. All the three witnesses turned hostile. Therefore, they were treated as hostile witnesses and were cross examined by the prosecution. On the subsequent date of hearing, further two witnesses were examined and for the remaining two witnesses to be examined, the case is posted today ie., 22.04.2025.

4. In view of the completion of the deposition of evidence by the victim girls, who stood as P.Ws.1 and 2 before the trial Court as well as the



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H.C.P.(MD)No.518 of 2024

deposition of P.W.3, who is none other than the mother of the victim girls, we do feel that this H.C.P., can be disposed of after taking the willingness of the second victim girl, who is at the Home at present as to whether she is willing to go along with the petitioner, who is her mother or the grandmother of the victim girl or she wants to continue in the Home till she attains majority sometime in January 2026.

5. In order to ascertain this from the second victim girl viz., Shajana D/o Singh, we hereby direct her / daughter of the petitioner, who is currently staying at the 3rd respondent Home, to be produced by the respondent Police before this Court (Justice K.K.Ramakrishnan's Court at Madurai Bench of Madras High Court) on 28.04.2025 at 4.00 P.M.

6. The Chairman and Senior Member of the Child Welfare Committee are present before this Court and their future presence in this matter is dispensed with.

7. Insofar as the first victim girl viz., Sanjana, D/o Singh is concerned, as per our last order dated 02.04.2025, it is informed that, she is also at the 3rd respondent Home as of now. Her further stay at the 3rd respondent Home is no more required since she had completed her recording of



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H.C.P.(MD)No.518 of 2024

evidence before the trial Court. She would be at liberty to go from the 3rd respondent Home either to the hostel of the college or to the grandmother or the mother of the said victim girl.

Post this matter on 28.04.2025 at 4.00 p.m."

3. Pursuant to the said order, today, when the case is taken up for hearing, the second victim girl, namely *Shajana D/o. Singh*, appeared before this Court (Justice K.K.Ramakrishnan's Court at Madurai Bench of Madras High Court). When she was asked whether she was having any willingness to go along with her mother, who is the petitioner in this Habeas Corpus Petition, the girl has expressed her willingness to go along with her mother.

4. In view of the said stand taken by the victim minor girl, that is *Shajana D/o. Singh*, we deem it proper to dispose of this Habeas Corpus Petition by giving directions to the second respondent/the Inspector of Police, to ensure that the victim girl is safely handed-over to the petitioner and in this regard, whatever formalities to be complied with by the third respondent/Home shall also be complied with and after completing compliance, the victim girl be permitted to go along with the petitioner/mother.



H.C.P.(MD)No.518 of 2024

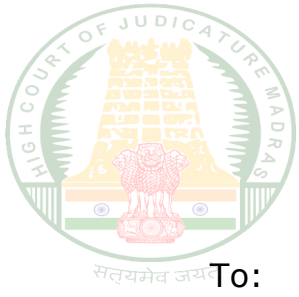
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5. With these directions, the Habeas Corpus Petition is disposed of. However, there shall be no order as to costs.

(R.S.K., J.) (K.K.R.K., J)
28.04.2025

Neutral Citation:Yes/No

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H.C.P.(MD)No.518 of 2024

To:

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2. The Inspector of Police
All Women Police Station
Marthandam, Kanyakumari District.
3. The Warden
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Bethal Nagar, Shenbagaramanpudhur
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4. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.



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H.C.P.(MD)No.518 of 2024

R. SURESH KUMAR, J.
AND
K.K. RAMAKRISHNAN, J.
(drm)

H.C.P.(MD)No.518 of 2024

28.04.2025