

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND

THE HONOURABLE MS.JUSTICE K.B.K.VASUKI

H.C.P.No.657 of 2015

P.Vaijeyanthi

..Petitioner/

Grand mother of the detenue

Vs

1.The Inspector of Police,
Karunya Nagar Police Station,
coimbatore City.

2.The Chairperson,
District Child Welfare Committee,
Don Bosco Anbu Illam Campus,
G.M.Nagar,
Ukkadam,
Coimbatore.

3.The Officer-in-Charge,
Mariyalaya Kappagam,
Atthipalayam Pirivu,
Ganapathy, Coimbatore.

..Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India to direct the respondents to produce the body of the petitioner's granddaughter namely, Bhuvaneswari, aged 17 years, before this Court and set her at liberty.

For Petitioner : Mr.S.Vinothkumar

For Respondents : Mr.A.N.Thambidurai,
Additional Public Prosecutor.

ORDER

The petitioner herein is the grandmother of one Muniprabu and also the grandmother of the so-called detenue, Bhuvaneswari, who is aged 17 years. The parents of the detenue and Muniprabu are closely related to each other. The detenue, who was studying Engineering course eloped with Muniprabu on 17.02.2015 without the

knowledge of her parents. The parents, after due search, lodged a complaint before the first respondent police and a case was registered in Crime No.5 of 2015 for "women missing". In the course of investigation, Muniprabu and Bhuvaneswari were traced out and Bhuvaneswari was produced before the learned Judicial Magistrate No.5, Coimbatore. At that point of time, Bhuvaneswari was not willing to go with her parents. The learned Judicial Magistrate No.5, Coimbatore has passed appropriate orders, handing over the detainee to the second respondent to keep her in the third respondent, Mariyalaya Kappagam. Since, the detainee wrote a letter to the petitioner herein about the difficulties faced by her in the Home/Kapagam, the petitioner was compelled to approach this Court by way of the present Habeas corpus Petition.

2. In pursuance of the order made by this Court on 10.03.2015, the detainee, Bhuvaneswari is produced before this Court from the third respondent Home. The petitioner and the parents of Bhuvaneswari are also present in Court. When the detainee was personally enquired by us, she had stated that she is in love with Muniprabu and both of them wanted to marry each other and she left her parent's house and eloped with Muniprabu on her own without any compulsion or force on the part of anybody. On earlier occasion, when she was produced before the Court, she was not willing to go with her parents, apprehending some harassment at the hands of her parents. She further stated that presently, she is willing to go with her parents and to pursue her B.E. Degree Course. She categorically stated before us that she wants to marry Muniprabu after attaining majority. Her parents who are present before us are willing to act according to the wishes of their daughter.

3. Recording the statement made by the detainee, Bhuvaneswari and her parents, we permit the detainee, Bhuvaneswari to go along with her parents. The Habeas Corpus Petition is closed as no further order is necessary.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

1.The Inspector General of Police,
Karunya Nagar Police Station,
Coimbatore City.

2. The Chairperson,
District Child Welfare Committee,
Don Bosco Anbu Illam Campus,
G.M.Nagar,Ukkadam,Coimbatore.

3. The Officer-in-Charge,
Mariyalaya Kappagam,
Atthipalayam Pirivu,
Ganapathy, Coimbatore.

4.The Judicial Magistrate No.V, Coimbatore.

5.The Secretary to Government
prohibition & Excise Department,
Fort St.George, Chennai -9.

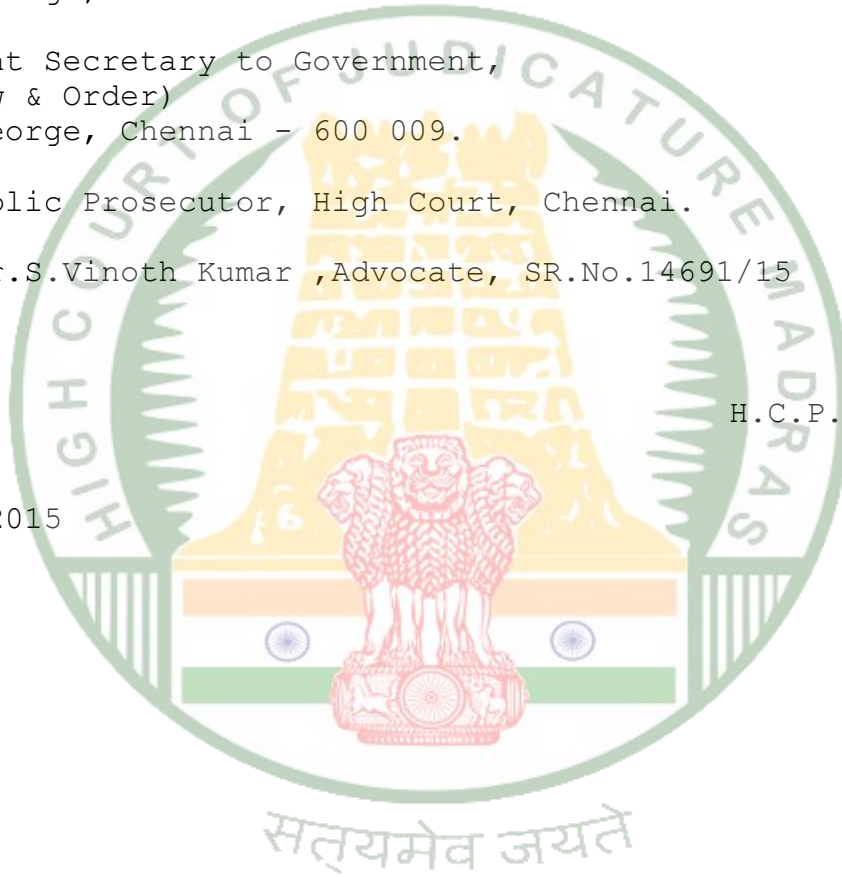
6.The Joint Secretary to Government,
Public(Law & Order)
Fort St.George, Chennai - 600 009.

7. The Public Prosecutor, High Court, Chennai.

1 cc to Mr.S.Vinoth Kumar ,Advocate, SR.No.14691/15

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pmk.13.4.2015



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