



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.1505 of 2015

Annalakshmi

.. Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai.

2.The Inspector of Police,
Vellanur Police Station,
Vellanur,
Pudukkottai District.

..

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the 2nd respondent to secure the presence of Minor Sathiyapriya D/o.Annalakshmi, aged about 17 years and entrust her custody with the petitioner.

For Petitioner : Mr.P.Gnanapathi Subramanian
For respondents : Mr.R.Ramachandran,
Additional Public Prosecutor.

O R D E R

[Order of the Court was made by P.R.SHIVAKUMAR, J]

The mother of Sathiyapriya, aged about 17 years, is the petitioner in the Habeas Corpus Petition. Complaining that Sathiyapriya, minor daughter of the petitioner, is missing from 26.07.2015, the petitioner lodged a complaint, based on which a case was registered in Crime No.11 of 2015 on the file of the second respondent. After lodging the said complaint, the petitioner has now come forward with the present Habeas Corpus Petition seeking an order for the production of the person of minor Sathiyapriya and to hand over her custody to the petitioner.

2.The second respondent has produced minor Sathiyapriya today. It is submitted on behalf of the respondents 1 and 2 that on 19.11.2015, minor Sathiyapriya, on her own accord, after having knowledge about the case registered in Crime No.11 of 2015, appeared before the second respondent and that the area Circle Inspector, Thirukkorkarnum examined her statement. The statement found in the CD file has also been produced for our perusal. In the said statement, minor Sathiyapriya had stated that in the month of January 2015, her mother



arranged for her marriage with a person aged about 48 years, pursuant to which, she passed on the information to the Child Help Line over phone and thus, she got the marriage arranged by her mother stopped. The statement further proceeds to state that after stopping the marriage, she was taken by the persons from the Child Help Line to Vedasanthur and secured an employment in a Mill there and during the period of six months thereafter, the petitioner was taking her daughter minor Sathiyapriya periodically once in a month to the child Help Line Centre. The statement proceeds further to the effect that after a lapse of six months, again the petitioner made arrangements to get Sathiyapriya married as a second wife to the petitioner's younger brother by name Poomalai against her will which made her to flee and seek an employment at Thiruthani Spinning Mill, Coimbatore and that when she enquired with her sister during Deepawali festival, she was informed that a complaint was lodged about her missing and a Habeas Corpus Petition was also pending before the Madurai Bench of Madras High Court and that the Police were in the look out for her. According to the contents of the statement, on coming to know about the above said facts, she appeared before the Police and gave such a statement. After recording the statement and till her production today, she was made to be with one Sathiya, a relative of the petitioner.

3.Today, on enquiry, minor Sathiyapriya submits that she is not willing to go with her mother and she expresses an apprehension that if she is sent along with her mother, she will be compelled to marry her maternal uncle - Poomalai. She even expressed her willingness to be sent to "Home". Minor Sathiyapriya is found to be mentally matured. The petitioner did have the past history of arranging a child marriage with a person of the age of the father of minor Sathiyapriya. The petitioner also does not dispute the proposal made for the marriage of minor Sathiyapriya with Poomalai. However, she would state that it was the suggestion of the relatives and friends. As such we are of the view that minor Sathiyapriya does have a valid reason to apprehend that her life would be at stake, if she is sent along with her mother. As she has expressed her willingness even to go to the "Home", we deem it appropriate to direct the second respondent to admit minor Sathiyapriya in "Sakthi Vedyal Home, Muthupatti, Alagappa Nagar, Madurai", to give her care and protection, as she is a child in need of care and protection, till she attains majority.

4.With the above said direction, the Habeas Corpus Petition is closed. In case necessity arises to seek further orders or modification of the order, either the petitioner or the Care Takers of the "Home" are at liberty to move the Court.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.



2.The Inspector of Police,
Vellanur Police Station,
Vellanur,
Pudukkottai District.

3.The Sakthi VEDIYAL Home,
District Child Welfare Committee,
Muthupatti, Alagappa Nagar,
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order Made in
H.C.P (MD) No.1505 of 2015
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AM/24.11.2015/GSV.PM/SAR-I/3P/5C