



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

H.C.P (MD) No.1720 of 2015

G.Subbulakshmi

.. Petitioner

Vs.

- 1.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 2.The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam, Sivagangai District.
- 3.The Child Protection Officer,
Ramanathapuram District,
Collectorate Campus, Ramanathapuram.
- 4.The Chairman,
Child Welfare Committee,
Ramanathapuram District,
Opp.to District Court, Ramanathapuram.

5.Arimurugan

6.Balaguru

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detenu namely Nivetha Bharathi [aged 15 years], daughter of the petitioner before this Court and hand over custody to the petitioner.

For petitioner : Mr.A.S.Vaigunth

For respondent Nos.1 to 4 : Mr.R.Ramachandran
Additional Public Prosecutor

For Respondent No.5 : Mr.B.Vinothkumar

O R D E R

[Order of the Court was made by **S.VAIDYANATHAN, J.**]

<https://hcservices.ecourts.gov.in/hcservices/>
The petitioner has come up with the present Habeas Corpus Petition seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the detenu namely Nivetha Bharathi, aged about 15 years, before this Court and hand over custody to her.



2. The case of the petitioner is that her daughter has been detained by the fifth respondent illegally and hence, she has to be produced before this Court and custody of her daughter should be handed over to her.

3. The petitioner, the fifth respondent, who is none other than the father of the minor girl and their daughter - Nivetha Bharathi, aged about 15 years, are present before this Court.

4. On enquiry, the minor girl makes it clear that her mother is an illiterate and she is interested in giving her in marriage to the brother of the petitioner. She further states that she would like to go with her father, the fifth respondent herein.

5. On enquiry, the fifth respondent states that he is not interested in giving her daughter in marriage to anybody, as she is a minor, aged about 15 years. He also assures before this Court that he will not act against the law of the land and he has no intention to give her in marriage to anybody before she attains majority.

6. Since the minor girl has been produced before this Court, recording her statement and also the statement made by her father, the fifth respondent herein, we close the present Habeas Corpus Petition and hereby permit the minor girl to go with her father. If the petitioner wants custody of the minor girl, it is open for her to approach the appropriate forum for appropriate relief, if she is so advised and this is not the forum, where she can seek custody of the minor daughter.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To:

- 1.The Superintendent of Police, Sivagangai District, Sivagangai.
- 2.The Inspector of Police, Thiruppuvanam Police Station,
Thiruppuvanam, Sivagangai District.
- 3.The Child Protection Officer, Ramanathapuram District,
Collectorate Campus, Ramanathapuram.
- 4.The Chairman, Child Welfare Committee,
Ramanathapuram District, Opp.to District Court, Ramanathapuram.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.A.S.Vaigunth, Advocate in SR.No. 72412
TS/31.12.2015/2P-7C/NGM-SS

ORDER MADE IN
H.C.P (MD) No.1720 of 2015
17.12.2015