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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P.[MD].No.1587 of 2016

Palanimalai

..Appellant

Vs.

1.The Superintendent of Police,
Trichy,
Trichy District.

2.The Sub Inspector of Police,
Valanadu Police Station,
Marungapuri Taluk,
Trichy District.

3.The Home Superintendent,
Government Young and Women Protection
Home, E.B.Road,
Trichy -2.

4.The District Social Welfare Officer,
District Collector Office,
Trichy,
Trichy District.

..Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, directing the respondents to produce the person or body of the detenu viz., Kiruthiga, aged about 17 years, daughter of Palanimalai, before this Court and hand over to the custody to the petitioner.

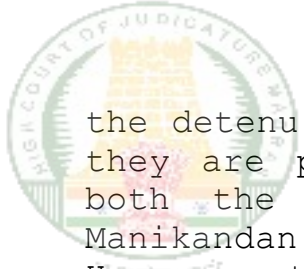
For Petitioner	: Mr.S.Gopalamanikandan
For Respondents	: Mr.K.S.Duraipandian, Addl. Public Prosecutor

ORDER

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

The petitioner, who is the father of the detenu viz., Kiruthiga, aged about 17 years, has come up with this Habeas Corpus Petition seeking a direction to the respondents to produce the detenu before this Court and to hand over the custody of the detenu to him.

2.It is stated in the affidavit filed in support of the petition that the date of birth of Kiruthiga is 24.08.2000 and she has completed only 8th standard. The petitioner came to know that



the detenu and his relative one Mr.Manikandan have love affair and they are planning to arrange a marriage without the consent of both the families. Hence, the petitioner advised the said Manikandan to avoid the marriage, as the detenu is a minor. However, the relatives of the petitioner was compelling him to make arrangement for marriage with the consent of both the families. On getting information about the same, the 4th respondent - the District Social Welfare Officer came to the petitioner's house on 09.11.2016 and took the minor girl in their custody. Though the petitioner approached the respondent Nos.3 and 4 with an undertaking letter that he would not arrange the marriage of the detenu till she attains majority, the respondent Nos.3 and 4 did not hand over the custody of the detenu to him. Hence, he has come up with the present Habeas Corpus Petition.

3. Today, when the matter was taken up for hearing, the second respondent produced the detenu before this Court. The petitioner was also present before this Court. On enquiry, the detenu has stated that her father made arrangement for her marriage and since she is a minor, her aunt made a complaint to the fourth respondent and thereafter only, the 4th respondent came to her house and took her along with them. When we enquired the petitioner, he has stated that he has not arranged for a minor marriage and he assured that he will make arrangement for her further studies. The detenu also expressed her willingness to go with her father viz., the petitioner. The said statements are recorded.

4. In view of the above, this Habeas Corpus Petition is closed with a direction to the respondents 3 and 4 to hand over the custody of the minor girl to the petitioner, who is her father and natural guardian, after complying with the necessary procedure. The 4th respondent is directed to make periodical visit on the minor child, till she attains majority and ensure that she is not given in marriage during her minority.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Superintendent of Police,
Trichy,
Trichy District.

2.The Sub Inspector of Police,
Valanadu Police Station,
Marungapuri Taluk,
Trichy District.



3.The Home Superintendent,
Government Young and Women Protection
Home, E.B.Road,
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4.The District Social Welfare Officer,
District Collector Office,
Trichy, Trichy District.

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

+2cc to M/s.S.Gopalamanikandan, Advocate in SR.81714

H.C.P.[MD].No.1587 of 2016
Dated: 19.12.2016

gcg

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