



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

HABEAS CORPUS PETITION(MD)No.189 of 2016

N.Murugan

.. Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City, Tirunelveli.

2.The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai,
Tirunelveli District.

3.Mohamed Mohideen @ Aneesh

4.Basheer @ Plumber Basheer

5.Sahul

.. Respondents

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to secure the detenu Ramalakshmi @ Radha, aged about 16-1/2 years, D/o.Murugan and produce the body or person of the detenu before this Court illegally detained by the third to fifth respondents and hand over to the petitioner custody forthwith.

For Petitioner : Mr.P.Pethu Rajesh

For RR 1 & 2 : Mr.K.S.Duraipandian
Additional Public Prosecutor

For R - 3 : Mr.M.Kaushikan

For RR 4 & 5 : No appearance

**ORDER****(Order of the Court was made by A.SELVAM, J)**

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 & 2 to trace out and produce the detenu by name Ramalakshmi @ Radha, aged 16-1/2 years, daughter of the petitioner.

2. The petitioner is present and he has been identified by his counsel.

3. As per the direction of this Court, the detenu has been produced from the Home and identified by the petitioner.

4. The learned counsel appearing for the petitioner has contended that the detenu has got birth on 02.06.1999 and she has not attained majority, whereas the counsel appearing for the third respondent has represented that the detenu has got birth on 28.03.1997 and she married the third respondent and since the detenu has married the third respondent, she is at liberty to go with the third respondent.

5. Since divergent contentions have been raised on the side of the petitioner as well as on the side of the third respondent, a report has been called for from the concerned Municipality and accordingly, the concerned Municipality has submitted two Birth Certificates. In one Birth Certificate it is stated the date of birth as 02.06.1999 and in another Birth Certificate it is stated the date of birth as 28.03.1997. In one Birth Certificate it has been clearly mentioned the address as 144, Aathiyadi Street, Kallidaikurichi. The parents of the female child are Murugan and Shanmugathai.

6. Considering the aforesaid factual aspects, the petitioner has been directed to submit relevant documents and accordingly, he submitted certain documents wherein it has been clearly stated that the mother of the detenu belongs to the said address. Therefore it is quite clear that the detenu has got birth on 02.06.1999 and she has not attained majority. Further the detenu has expressed her willingness to go with the petitioner.

7. Considering the aforesaid factual circumstances, the relief sought in the petition has become infructuous.

8. In fine, this Habeas Corpus Petition is dismissed. The detenu is permitted to go with the petitioner.

Sd/

Assistant Registrar

/True Copy/



To

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai,
Tirunelveli District.

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

+1cc to mr.P.Pethu Rajesh Advocate in SR.No.18757

SDR:SKS-RR/13.04.2016:3P/5C

ORDER MADE IN
H.C.P (MD) No.189 of 2016
04.04.2016