

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Revision No.684 of 2017

Tmt. Janaki

.. Petitioner

Vs

1.The District Children Welfare Officer,
Cuddalore District,
Cuddalore.

2.The District Social Welfare Officer,
Cuddalore District,
Cuddalore.

.. Respondents

Prayer:- Criminal Revision filed under Section 401 Cr.P.C., to call for the records made in CrI.M.P.No.541 of 2017, dated 17.03.2017 on the file of the learned Judicial Magistrate No.II, Cuddalore and set aside the same as illegal.

For Petitioner : Mr.R.Sankarasubbu
for Mr.P.Anbazhagan

For Respondents
1 and 2 : Mr.R.Ravichandran
Govt. Advocate (Criminal side)

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ORDER

The Criminal Revision Petition has been filed challenging the order passed in Crl.M.P.No.541 of 2017, dated 17.03.2017 by the learned Judicial Magistrate No.II, Cuddalore.

2.The petitioner is the mother of one Vennila, aged about 16 years. Earlier, based on the complaint received by the second respondent/District Social Welfare Officer that the petitioner was taking steps to perform her minor daughter's marriage with one Veera, the second respondent had taken steps to prevent the marriage and after conducting an enquiry, the second respondent secured the minor girl and produced her before the first respondent/District Children Welfare Officer. The first respondent, after conducting enquiry, came to know that the petitioner was taking steps to perform her minor daughter's marriage and hence, the first respondent sent the minor girl to Government Home. Subsequently, the petitioner filed a petition in Crl.M.P.No.541 of 2017 under Section 97 of Cr.P.C. on the file of the learned Judicial Magistrate No.II, Cuddalore seeking custody of her minor daughter Vennila. The Court below, on considering the facts and circumstances of the case and on hearing the learned counsel on either

side, by order dated 17.03.2017 dismissed Crl.M.P.No.541 of 2017. Challenging the same, the present Civil Revision Petition has been filed.

3.Earlier, when the matter came up for hearing on 01.06.2017, the learned counsel for the petitioner submitted that the petitioner had never taken any steps to perform the marriage for her minor daughter Vennila and she has been illegally detained in Home. In view of the above, this Court directed both the petitioner and the minor daughter Vennila to be present before this Court today i.e. on 07.06.2017. Accordingly, today both the petitioner and her minor daughter are present in the Court. The petitioner stated that she would not take any steps to perform her minor daughter's marriage till she attains majority and that she has also filed an affidavit of undertaking dated 07.06.2017 before this Court. The third paragraph of the affidavit of undertaking reads as follows:

"I will not give my minor daughter in marriage to anybody till her attaining majority.

I undertake that I will give her necessary education and I will look after her with love and affection and provide her day to-day necessities."

4. When the Court inquired the minor Vennila, she has stated that her mother has not been taking any steps, as alleged, to perform her marriage and she only wants to pursue her studies.

5. In the above circumstances and considering the affidavit of undertaking given by the petitioner that she will not take any steps to perform her minor daughter's marriage till she attains majority, this Court is inclined to entrust the custody of the minor girl to the petitioner/mother and passes the following order:

"1. The learned Judicial Magistrate No. II, Cuddalore is directed to hand over the custody of the minor girl Vennila to the petitioner;

2. The petitioner shall not take any steps to perform her minor daughter's marriage till she attains majority."

6. With the above said directions, the Criminal Revision is disposed of.

07.06.2017

Index: Yes/ No

Internet: Yes/No

To

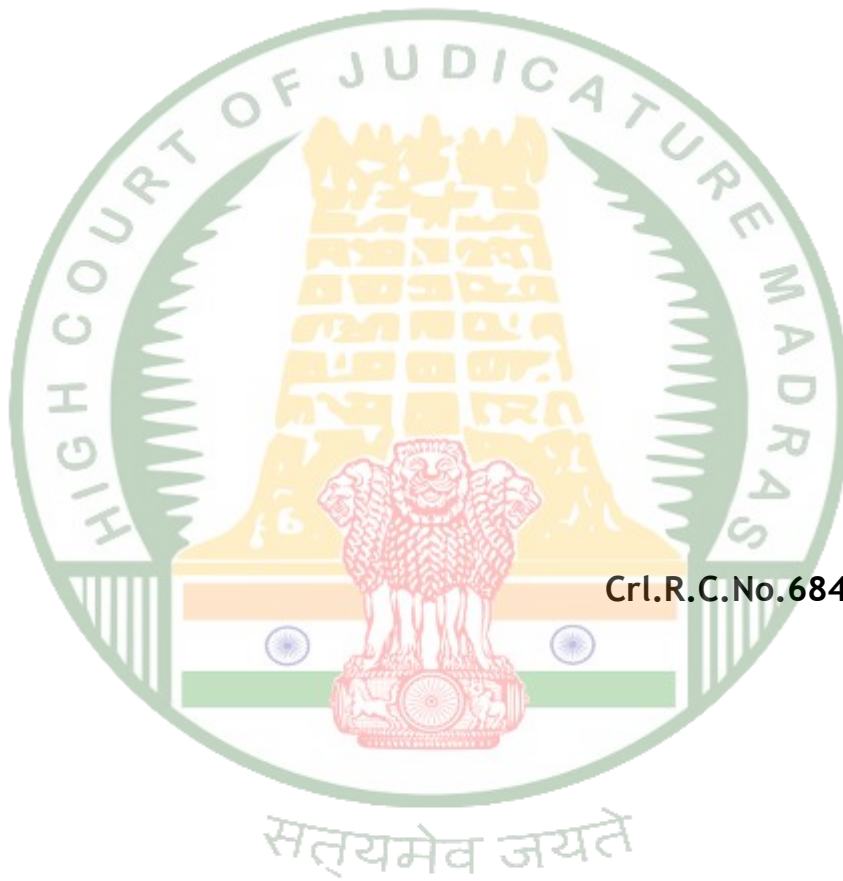
- 1.The District Children Welfare Officer,
Cuddalore District,
Cuddalore.
- 2.The District Social Welfare Officer,
Cuddalore District,
Cuddalore.
- 3.The Public Prosecutor,
High Court, Madras.



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V.BHARATHIDASAN,J

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Crl.R.C.No.684 of 2017

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