



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1648 of 2017

M.Meena

.. Petitioner

Vs.

1.The Superintendent of Police,
O/o. Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Othakadai Police Station,
Madurai District.

3.Ramesh

.. Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 1 and 2 to produce the person or body of the petitioner's daughter namely M.Vaishnavi D/o.A.Mandiramoorthy, aged 15 years before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.T.Lajapathi Roy

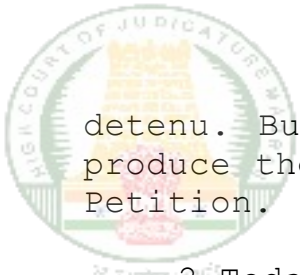
For respondents 1 & 2 : Mr.C.Ramesh,
Addl. Public Prosecutor

For 3rd respondent : No appearance

ORDER

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

The petitioner is the mother of the detenu. It is stated in the petition that on 14.10.2017 at 5.45 p.m., the petitioner's daughter / detenu by name M.Vaishnavi D/o.A.Mandiramoorthy, aged about 15 years, had gone to tuition class and then, she did not return to home. The petitioner along with her relatives searched the detenu. But, she could not succeed. Therefore, she lodged a complaint before the second respondent on 25.10.2017 and the same was registered in Crime No.665 of 2017. After conducting enquiry, the Police found that the third respondent had kidnapped the



detenu. But, the Police did not take any action to trace out and produce the detenu. Hence, she has filed with this Habeas Corpus Petition.

2. Today, when the matter was taken up for hearing, the detenu was produced before this Court by the second respondent. The petitioner was also present along with her husband. On enquiry, the detenu told that she is aged about 16 years and her date of birth is 22.10.2002 and she, on her own volition, went to Bangalore along with the third respondent, since her mother was pressurising her to marry a boy. The detenu has further told that she is not willing to go along with the petitioner. The detenu has also expressed her apprehension that if she goes along with her parents, she will be harassed by them and her life will be in danger. Hence, the detenu preferred to stay at a Home. The said statement is recorded. We enquired the petitioner and her husband also.

3. In view of the above submission of the minor detenu, we direct the Police to hand over the custody of the detenu in Sakthi Vidiyal Home, Muthuppatti, till she attains majority. Accordingly, this habeas corpus petition is closed. However, the respondent Police is directed to proceed with the criminal case in accordance with law.

Sd/-

Assistant Registrar (Crl side)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Madurai District, Madurai.
2. The Inspector of Police,
Othakadai Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Incharge,
Sakthi Vidiyal Home, Muthuppatti.

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12.12.2017

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