

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM:

THE HONOURABLE Mr.JUSTICE C.T.SELVAM
and
THE HONOURABLE Mrs.JUSTICE S.RAMATHILAGAM

HCP.No.2250 of 2018

Rajeshwari

...Petitioner

-Vs-

1.State rep. By
The Superintendent of Police,
Office of the Superintendent of Police,
Salem.

2.The Inspector of Police,
Veerganur Police Station,
Salem.

3.Praveen

...Respondents

PRAYER: Habeas Corpus petition filed under Article 226 of the Constitution of India praying to direct the 1st respondent to secure the body of the petitioner's daughter namely Minor Keerthana aged about 17 years and produce before this Hon'ble Court, who is under the illegal custody of the 3rd respondent and handover to the petitioner.

For Petitioner :Mr.Franklin M.R.

For Respondents :Mr.R.Prathap Kumar
Additional Public Prosecutor-For R1&R2

Mr.C.Prakasam - For R3

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

The petitioner is the mother of the detainee. Both the petitioner and detainee are present.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

Detenue informs that she is a major and confirmed that she has taken up residence with the 3rd respondent. In CrI.O.P. No.22330 of 2018 dated 22.10.2018, this Court has considered it appropriate to record as follows;

"4. Learned counsel for Praveen submitted that the original date of birth of Keerthika as given in the complaint that forms the basis for the registration of the FIR in Crime No. 25 of 2018 is 13.03.2000, whereas, Rajeswari has managed to obtain a birth certificate from the municipality which show the date of birth of Keerthika as 31.03.2001.

5. This Court enquired Keerthika and her mother Rajeswari individually in-camera in order to elicit their views. Keerthika said that after the death of her father, her mother Rajeswari remarried and she is wanting to give Keerthika in marriage to a person of her choice. However, Rajeswari said that her present husband is a very kind person and that they had no ideas of getting Keerthika married to anyone and that they wanted Keerthika to pursue her studies, whereas, Praveen had taken advantage of her adolescence and had enticed her.

6. On further enquiry, Keerthika produced her Aadhar Card, Transfer Certificate and School Certificates, where her date of birth has been given a 13.03.2000. She further stated that she had gone on her own volition with Praveen and had got married to him and that she is living with him now.

7. This Court perused the Section 164 Cr.P.C statement of Keerthika that has been recorded by the learned Judicial Magistrate-I, Attur on 07.08.2018, in which, she has stated that she is 19 years old and that she had gone on her own with Praveen and had got married to him."

In view of the above, the present petition does not surviving consideration. Accordingly, the petition shall stand dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkn

To

1. State rep. By
The Superintendent of Police,
Office of the Superintendent of Police,
Salem.

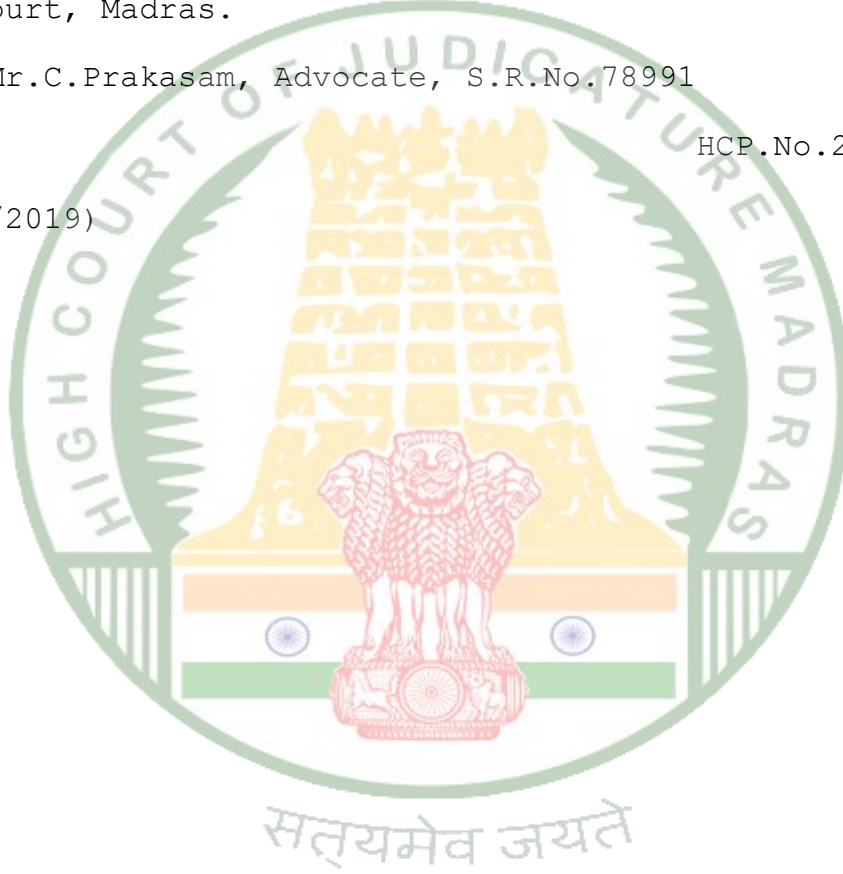
2. The Inspector of Police,
Veerganur Police Station,
Salem

3. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.C.Prakasam, Advocate, S.R.No.78991

HCP.No.2250 of 2018

RJI (CO)
SSM(04/01/2019)



WEB COPY