



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.03.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA

and

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition No.149 of 2018

K.Sankar

... Petitioner

-vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul.
2. The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of Constitution of India, to direct the 1st and 2nd respondents to secure and produce the person or body of the petitioner's son namely Kalaiperiyasamy, S/o.Sankar, aged about 21 years, before this Court and his custody be entrusted with the petitioner.

For Petitioner : Mr.K.Manikandan

For Respondents : Mr.K.Dinesh Babu
Addl. Public Prosecutor for R1 and R2

O R D E R

(Order of the Court was made by **S.Vimala,J.,**)

The petitioner, who is the father of the detenu, has come forward with this petition for a direction to produce the detenu, namely, Kalaiperiyasamy, aged 21 years before this Court and set him at liberty.

2.When the matter was taken up for hearing on 28.02.2018, this Court passed the following order:

<https://hcservices.ecourts.gov.in/hcservices/> "This petition has been filed by father, seeking direction to the 1st and 2nd respondents to produce his son / detenu, namely, Kalaiperiyasamy,



aged about 21 years before this Court and entrust his custody with the petitioner.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and we have also perused the records carefully.

3. The main contention raised by the learned counsel for the petitioner is that the petitioner's son has been working in a Mill and from 30.12.2017 onwards, he did not come home and was found missing. Hence, the petitioner lodged a complaint to the 2nd respondent on the same day of his missing to trace out the whereabouts of his son, pursuant to which, his son appeared before the respondent police along with a girl by name Nanthini and stated that they fell in love with each other and married. Since his son did not attain the marriageable age, the petitioner requested the Police to send his son along with him. Since the respondent Police did not adhere to his request, the petitioner is before this Court.

4. Today, the learned Additional Public Prosecutor has produced the detenu before this Court through the respondent police. The parents of the detenu are also present before this Court, who would state that they have three sons, out of whom, the detenu is the youngest one / third son and in the event of the detenu disclosing his marriage to the public at this stage, seeking alliance to their elder sons would be a herculean task. They would further state that they are in the process of arrangement of marriage to their elder sons and the detenu may stay away at least for two months so that there will not be much difficulty in searching for brides to their elders sons.

5. However, the detenu is not in a position to accept the said offer made by the parents and he has in fact declined their request.

6. At this juncture, the learned counsel for the detenu would submit that the detenu requires some counselling and therefore, the matter may be adjourned to next week to appraise him in this regard.

List this matter on **06.03.2018** for hearing."



state that despite counselling, the detenu is willing to live only with the girl Nandhini.

4. The learned Additional Public Prosecutor would submit that further action, if any, would be taken as per the provisions of the Prohibition of Child Marriage Act, 2006, as the detenu has not completed the age of 21 years.

5. Recording the same, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul.
2. The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1CC TO M/S.K.MANIKANDAN, ADVOCATE, SR NO.53727

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06.03.2018

RR

MS/SV-MMS/SAR-1/02.04.2018/3P.5C