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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 16.02.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA
and
THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition (MD) No.181 of 2018

R.Seetha

... Petitioner

-vs-

1. The Superintendent of Police,
Superintendent of Police Office,
Trichy District.

2. The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

3. The District Social Welfare Officer,
District Social Welfare Department,
Trichy-2.

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of Constitution of India, seeking a direction to the respondents to produce the person or body of the detenu, namely, Radha (name changed), D/o.Rengaraj, aged 17 years before this Honourable court and hand over to the petitioner.

For Petitioner : Mr.R.Pon Karthikeyan
For Respondents : Mr.C.Ramesh
Addl. Public Prosecutor

O R D E R

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

The petitioner has filed this petition, seeking direction to the respondents to produce her daughter / detenu, namely, Radha (name changed), D/o.Rengaraj, aged 17 years before this Court and set her at liberty.

Brief Facts:

<https://hcservices.ecourts.gov.in/hcservices/>

2. According to the petitioner, the detenu has completed 12th standard and has been doing her degree course in B.Sc. Rehabilitation



Science at Holy Cross College, Trichy. It is alleged that because of the poor financial background, she has discontinued her studies and has been assisting her mother in the agricultural work.

2.1. It is further alleged that the mother of the detenu has arranged for the marriage of her minor daughter, which is denied by the mother. Thereafter, the mother was taken to the Police Station for the purpose of enquiry, where also she reiterated that there was no arrangement of marriage of her minor daughter. Later, the mother was informed that her minor daughter was handed over to the District Social Welfare Officer / 3rd respondent herein and on approaching the third respondent, permission was refused for the mother to meet her daughter, despite the assurance made by the mother that there will not be any arrangement of marriage of her minor daughter. Since the third respondent was not willing to hand over the custody of the minor daughter to the mother, she has filed the present petition, seeking for the above direction.

3. Mr.Somasundaram, Superintendent and Mrs.M.Kannammal, Extension Officer, working under the third respondent are present before this Court. On instructions, the learned Additional Public Prosecutor would submit that the parents of the minor girl have taken steps for arranging marriage of their minor daughter, pursuant to which, (on information) intervention was made by the third respondent and the arrangement was stopped and thereafter, the minor girl was produced before the Child Welfare Committee from where she was handed over to the Home.

4. The detenu was produced before this Court by the third respondent and on enquiry, the detenu has stated that she is not interested in pursuing the course being undergone by her at present, namely, B.Sc. Re-habitation Science and wherever she gets admission in the next academic year, she is willing to join B.Sc. (Physics) and till such time, she will pursue any Diploma Course.

5. The parents of the minor girl, who are present before this Court, were clearly informed that the arrangement of marriage of her daughter, who is a child under the Prohibition of Child Marriage Act, 2006 would be a punishable offence under Section 10 of the Act. The parents have given assurance that they will not indulge in arrangement of their minor daughter's marriage till she attains majority or completes her education.

6. Recording the undertaking given by the parents, the detenu, who has expressed her willingness to accompany her parents, is entrusted to the custody of the parents.

7. The District Collector, Trichy is directed to provide necessary financial assistance to the victim girl to continue her studies either from the District Welfare Fund or from any other fund. The District Social Welfare Officer, Trichy District, who is the Child Marriage Prohibition Officer under the Prohibition of Child Marriage Act, 2006 shall take immediate action, if any complaint is received in respect of this episode.



8. With the above direction and observation, the Habeas Corpus Petition stands closed accordingly.

Sd/-

Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar

To:

- 1.The Superintendent of Police,
Superintendent of Police Office,
Trichy District.
- 2.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
- 3.The District Social Welfare Officer,
District Social Welfare Department,
Trichy-2.
- 4.The District Collector,
Tiruchirappalli District.
- 5.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

Habeas Corpus Petition No.181 of 2018
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