



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

CORAM:

WEB COPY

**THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

H.C.P(MD) No.247 of 2018

A.Patchamadathi @ Santhi

... Petitioner

-vs-

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
All Woman Police Station,
Palayamkottai, Tirunelveli.

3.Sudalaikannan

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the 2nd respondent to produce the person or body of the petitioner's daughter by name Meena (16 years) before this Honourable Court and hand over the custody to the petitioner

For Petitioner : Mr.M.Maran
For R1 & R2 : Mr.K.Dinesh Babu
Addl. Public Prosecutor

O R D E R

[Order of the Court was made by S.VIMALA, J]

This petition has been filed by mother, seeking direction to the 2nd respondent to produce her daughter / detenu herein by name Meena, aged about 16 years before this Court and hand over her custody to the petitioner

2. According to the petitioner, she has eight children, out of whom, the detenu is her 4th minor daughter, whose date of birth is 01.01.2002. On 29.12.2017, her daughter was missing and subsequently, her daughter was secured from the illegal custody of the third respondent, pursuant to which, a case was registered against the 3rd respondent in Crime No.717 of 2017 under Sections 366 (A) IPC and Section 6 of the Protection of Children from Sexual Offences Act. While so, again on 03.02.2018, her daughter was found missing and suspecting the foul play on the part of the 3rd



respondent and his family members, a complaint was preferred before the 2nd respondent police. Since there was no serious action taken on her complaint, she is before this Court with the above prayer.

3. The learned Additional Public Prosecutor has produced the detenu through the respondent police. The petitioner / mother of the detenu and also the 3rd respondent are present before this Court.

4. On enquiry with the detenu, she has stated that she has not been abducted by anyone and she had left the house on her own volition. She has further stated that she is inclined to marry the third respondent, which was not to the liking of her mother, which forced her to leave her mother.

5. At this juncture, the petitioner / mother has assured that after searching for bridegrooms to her elder daughters, she will arrange for the marriage of the detenu with the third respondent, after completion of 18 years of her age and till then, she has to stay with her. On hearing the said submission, the detenu has agreed to go with her mother on the basis of the assurance given by her mother.

6. In view of the above submission made by the detenu that she will stay back at the house of the parents and based on the undertaking given by the petitioner/mother that there shall not be any performance of marriage to her daughter / detenu till attainment of her marriageable age, this Habeas Corpus Petition is closed and the detenu is set at liberty.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Commissioner of Police,
Tirunelveli City, Tirunelveli.
- 2.The Inspector of Police,
All Woman Police Station,
Palayamkottai, Tirunelveli.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.M.MARAN, ADVOCATE IN SR No. 55039

AR

TE/SKN-RSK/SAR-1 : 02/04/2018 : 2P/5C

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