



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.20125 of 2018

and

W.M.P (MD) .Nos.17876 and 17877 of 2018

R.Selvam

... Petitioner

Vs.

1. The District Social Welfare Officer/
Child Marriage Restraint Officer,
Collectorate Compound,
Tiruchirappalli.
2. The District Collector,
Tiruchirappalli District,
Trichy.
3. The Superintendent of Police,
Trichy District.
4. The Inspector of Police,
Manapparai Police Station,
Tiruchirappalli.
5. The Superintendent,
Government Free Home,
No.34, Keezh Arasan Salai,
Trichy 620 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in Na.Ka.No.A3/62/2018 dated 10.09.2018 quash the same and consequently direct the respondents herein to release the minor daughter of the petitioner Ms.Deepa, aged 17 from the fifth respondent and hand over her custody to the petitioner herein.

For Petitioner
For Respondents

:Mr.V.Janakiramulu
:Mr.B.Bhagawathi
Government Advocate

**ORDER**

This petition has been filed challenging the proceedings of the first respondent, dated 10.09.2018 and for consequential direction to the respondents to release the minor daughter of the petitioner from the custody of the fifth respondent and hand over the custody of the petitioner.

2.It is seen from records that the petitioner's daughter, namely, Deepa, aged about 17 years, is studying 12th standard in the Government Girls Higher Secondary School at Manaparai. One of the relatives of the petitioner expressed his desire to have the petitioner's daughter marry his son. The petitioner refused to do the same, since his daughter was a minor and that she is studying in a School.

3.Thereafter, it seems that a complaint was given to the District Social Welfare Officer as if the petitioner has got his minor daughter married by force. Based on the same, the first respondent by proceedings dated 10.09.2018 gave a complaint to the fourth respondent to take appropriate criminal action against the petitioner.

4.When the matter came up for hearing, during the last occasion, this Court directed the petitioner's daughter namely, Deepa to be produced before this Court from the 5th respondent home at Trichy. The said Deepa was present before this Court today (i.e., 24.09.2018).

5.This Court personally enquired the said Deepa and she gave a categorical statement that she is studying 12th standard and her father, namely, the petitioner herein never compelled her to marry anybody and she also categorically stated that she wants to go and join with her father.

6.This Court also personally examined the petitioner and he has stated before this Court that he has not pressurized his daughter for marriage and that he wants his daughter to study further and marry only when she expresses such a desire in future.

7.This Court is personally satisfied with the fact that the petitioner's minor daughter was not married to anyone against her wishes and therefore, the first respondent ought not have given a complaint to the fourth respondent, even without verifying this fact.

8.In view of the above, the proceedings of the first respondent dated 10.09.2018 is hereby set aside and the petitioner's daughter, who is present before this Court today (i.e., 24.09.2018) is directed to be handed over to the petitioner



by the fourth respondent police, immediately.

9. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Social Welfare Officer/
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2. The District Collector,
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Trichy.
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Government Free Home
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+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 86388

RMK

TE/PM/SAR-4 : 29/10/2018 : 3P/7C

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