

**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION No.8830 OF 2018

ORDER: (per Hon'ble Sri Justice T.Amarnath Goud)

The petitioner is the mother of the detainee and she filed this writ petition under Article 226 of Constitution of India, seeking to issue a direction to produce her daughter by name Ms.Mucharla Anjavva who is under illegal custody and under the detention of respondent No.6 (wrongly mentioned as respondent No.5).

2. This Court ordered notice, in pursuance of which, the official respondents produced the records and also the detainee, daughter of the petitioner, before this Court. We have examined her in the chambers who stated that she is aged 17 years and she married respondent No.6 out of her free will and consent knowing well that respondent No.6 is already married and he is having two minor children; that second marriage and minor marriages are permissible in their community as a customary practice. She further stated that her marriage was consummated and she is pregnant and that she is not in illegal custody. When asked about respondent No.6 and his whereabouts, she informed that he is absconding in view of the complaints made by her parents. She further stated that she has no interest to go with her parents and she would join the company of her husband.

3. We have also examined the mother and father of the detainee and they informed that the girl is minor, aged about 14 years and they are afraid of respondent No.6 would cause endanger to the life of their daughter.

4. The detenue was subjected to medical examination to ascertain her age by the police through a doctor and on earlier occasion also, this Court got examined her through the concerned doctor in Osmania General Hospital, Hyderabad and they have stated that the girl is pregnant and the test of ascertaining her age may effect her foetus leading to abortion.

5. Since the prayer in the writ petition is to produce Ms.Mucharla Anjavva, the police have produced her before this Court and since she is not in unlawful custody of respondent No.6, the writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, in the interest and wellbeing of Ms.Mucharla Anjavva, respondent No.4, Inspector of Police, Chandurthi Police Station, Rajanna Sircilla District, is directed to keep a check upon the wellbeing of Ms.Mucharla Anjavva during her stay with respondent No.6 at least once in a month by summoning them to the police station in the presence of a lady police officer and send them back from the police station to their place of residence. The said exercise shall go on till said Mucharla Anjavva attains majority. Miscellaneous petitions, pending if any, shall stand closed. No order as to costs.

C.PRAVEEN KUMAR, J

T.AMARNATH GOUD, J

Date:02-05-2018
SHR