



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

AND

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

H.C.P. (MD) No. 241 of 2019

M. Surendar

: Petitioner

Vs.

1. The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
All Women Police Station,
Srivaikundam
Thoothukudi District.

3. The Chairman
Children Home,
Muthukuviyal Trust,
No. 176 Palayamkottai Road,
Thoothukudi District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the 1st and 2nd respondents herein to produce the body or person of the wife/detenué, petitioner's wife namely Kiruthika Sarumathi aged about 19 years who is under the illegal custody of the 3rd respondent and set her at liberty before this Court.

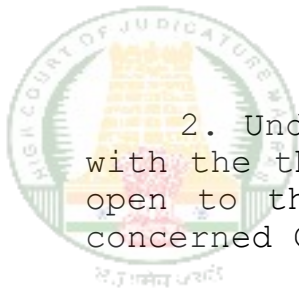
For Petitioner : Mr. RMS. Sethuraman

For Respondents : Mr. R. Anandaraj

Additional Public Prosecutor

ORDER

It is the case of the petitioner that he got married to Kiruthika Sarumathi and that she is in the illegal detention of the third respondent. However, it is seen that this petitioner had eloped with the minor girl/detenué in connection with which, a case in Srivaikundam All Women Police Station Crime No. 22/2018 under Section 9 of the Prohibition of Child Marriage Act was registered against the petitioner herein and he was arrested and remanded to judicial custody. Thereafter the minor girl was given custody to the third respondent by the Court and the offence has also been altered under the provisions of the POCSO Act.



2. Under such circumstances, the custody of the alleged detainee with the third respondent cannot be said to be illegal. It is always open to the petitioner to make appropriate application before the concerned Court and seek custody of the detainee.

3. The Habeas Corpus Petition is closed with the aforesaid direction.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

RR

To

1. The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
All Women Police Station,
Srivaikundam
Thoothukudi District.

3. The Chairman
Children Home,
Muthukuviyal Trust,
No.176 Palayamkottai Road,
Thoothukudi District.

4. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

1 CC to M/s.RMS.SETHURAMAN, Advocate (SR-53789[F] dated
13/03/2019)

Order made in
H.C.P. (MD) No.241 of 2019
13.03.2019

DS/ /SAR- (21.03.2019) 2P 6C