



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.406 of 2019

C.Vijaya ... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Pulithipatty Police Station,
Sivagangai District.

3.S.Arun Pandi ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body or person of the detenu namely minor Devi aged about 17 years, daughter of Chithambaram and hand over the custody to the petitioner.

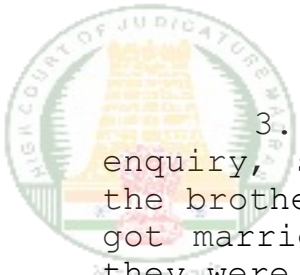
For Petitioner	:	Mr.A.Mu.Sharavanan
For Respondents	:	Mr.K.Dinesh Babu Additional Public Prosecutor for R.1 and R.2

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J)

The petitioner is the mother of the minor detenu, viz., Devi, aged about 17 years (date of birth is 08.07.2001) and she studied upto 12th standard and according to them, she has been kidnapped by the third respondent in a two wheeler and a complaint given in this regard has also been registered resulted in a case in Cr.No.26 of 2019, on the file of the second respondent. The petitioner, being a mother, very much concerned about the safety and whereabouts of her daughter, came forward to file this Habeas Corpus Petition.

2. This Habeas Corpus Petition was entertained on 22.05.2019. A mention was made by the learned Additional Public Prosecutor on the ground that the detenu has been secured and accordingly, the matter is listed today.



3. The detenu has been produced before this Court and on enquiry, she would state that on her own volition, she left with the brother of the third respondent viz., Aravind and subsequently, got married and both of them are living as husband and wife and they were staying at Coimbatore and Aravind is employed in a Bakery and she is also expressed her willingness to go with her parents, when they gave a promise that on attaining the age of majority, she will be given marriage to Aravind - the brother of the third respondent.

4. The parents of the detenu are present before this Court and would submit that they would take care of the well being of their daughter and if she is interested in pursuing her studies, they would give good and proper education to her also.

5. The learned Counsel appearing for the petitioner would submit that in the light of the above said development, this Court may pass appropriate orders.

6. The learned Additional Public Prosecutor appearing for the State would submit that the girl was secured on 10.06.2019 and she was also subjected to medical examination on 12.06.2019 and the third respondent and his brother viz., Aravind were also arrested and the case, which was originally registered for the commission of offence under Section 366(A) I.P.C., was altered into Section 366 (A) I.P.C., and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Child Marriage Restraint Act, 1929.

7. In the light of the above fact that the minor detenu is secured and she is also willing to go with her parents, who are present before this Court, the custody of the minor is handed over to them.

8. In the result, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

ssl

To

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.



2.The Inspector of Police,
Pulithipatty Police Station,
Sivagangai District.

WEB COPY

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

H.C.P(MD) No.406 of 2019
13.06.2019

PM(CO)
TR (24.06.2019) 3P 4C