



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Special Original Jurisdiction)

Wednesday, the Third day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN

AND

The Hon`ble Mr Justice B.PUGALENDHI

HCP(MD) . No.322 of 2019

M.PALANIYAMMAL

... Petitioner

Vs

1 THE SUPERINTENDENT OF POLICE,
MADURAI, MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE
PALAMEDU POLICE STATION, PALAMEDU,
MADURAI DISTRICT.

3 RANJITHKUMAR

... Respondents

Prayer :-

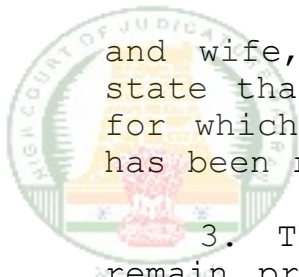
Habeas Corpus Petition is filed under Article 226 of Constitution of India, praying this Hon'ble Court to issue a writ of Habeas Corpus to direct the respondents Nos.1 & 2 to produce the body or person of the petitioner's minor daughter namely Nandhini daughter of Maharajan aged about 17 years old before this Honourable Court and hand over the custody to the petitioner

ORDER:- This Petition coming on for hearing on this day, upon perusing the affidavit and material papers filed, and upon hearing the arguments of Mr.A.K.Gopalan, Advocate for the Petitioner, Mr.K.Dinesh Babu, Additional Public Prosecutor on behalf of the Respondents No.1 and 2 and of Mr.Balamurugapandian, Advocate for the 3rd Respondent, this Court made the following order:-

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

The petitioner is the mother of the minor detenu, viz., Nandhini, aged about 17 years (date of birth is 27.05.2001) and alleging her illegal custody and detention at the hands of the third respondent, has lodged a complaint on the file of the second respondent, for which, a case in Cr.No.52 of 2019 was registered on 13.04.2019, under Section 366(A) I.P.C. The detenu has been traced and she is produced before this Court today.

2. On enquiry, it reveals that on her own volition, she eloped with the third respondent. The detenu, in her initial statement, would state that they have not got married and not lived as husband



and wife, but later on, retracted from the statement and would state that after she became major, they got married in a temple, for which, she is not having any proof except Mangalsutra, which has been removed at the instance of the second respondent.

3. The father of the third respondent is also personally remain present before this Court and he would state that he has also taken steps to restore the custody of the detenu with her parents.

4. The parents of the detenu are also remain present before this Court and the father of the detenu would state that he is eking out his livelihood as a coolie and with great difficulty, educating his daughter and also denied the fact that the third respondent is related to him and the parents pray for restoration of the custody of the detenu with them and they would also undertake to take care of her education career.

5. In the light of the prevaricating statement of the detenu , as to the marriage or other relationship with the third respondent coupled with the fact that she alleged to have gone with the third respondent on her own volition, while she was a minor and that she also appears to be psychologically disturbed, this Court is of the considered view that she should remain under the custody of "The deserted Women Home, Holy Cross Home, Paravai Colony, Samayanallur, Madurai" for a period of two weeks and in the meanwhile, the second respondent is directed to take necessary steps to medically examine her and as and when, the said report is ready, the same shall be filed before this Court in a sealed cover. It is also open to the Superintendent, the deserted Women Home, Holy Cross Home to give psychological counselling to the detenu also.

6. Call on **24.07.2019**. On that date, the detenu shall be produced before this Court by the second respondent.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

TO

1 THE SUPERINTENDENT OF POLICE,
MADURAI, MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE
PALAMEDU POLICE STATION, PALAMEDU,
MADURAI DISTRICT.



3. THE SUPERINTENDENT,
THE DESERTED WOMEN HOME, HOLY CROSS HOME,
PARAVAI COLONY, SAMAYANALLUR, MADURAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 03/07/2019

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ORDER
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HCP(MD). No.322 of 2019

Giving direction and etc.
as stated within.

NS(CO)
TR (15.07.2019) 3P 6C