



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.10.2019**

CORAM

**THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

H.C.P (MD)No.669 of 2019

T.Sakthivel

...Petitioner/Father of the Detenu

Vs.

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

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

3.Prabhakaran

4.Kaleeswari

5.Uthakumar

6.Chandrabose

7.Gandhi

...Respondents

PRAYER: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the respondents to produce the detenu or body of the detenu I.e., the Petitioner's minor daughter namely Thavamani, aged about 16 years, D/o.Sakthivel before this Court and set her at liberty forthwith.

For Petitioner

: Mr.N.Pragalathan

For Respondents

: Mr.K.Dinesh Babu

1 and 2

Addl. Public Prosecutor

For Respondents

: No appearance

3 to 7



O R D E R

This Court passed the following order on 30.09.2019:

'Pursuant to the orders passed by this Court dated 16.09.2019, the third respondent and his parents were present before this Court. The parents of the third respondent clearly stated that they do not have any objection in the third respondent marrying the detainee. The parents of the detainee are not convinced with the marriage of the detainee with the third respondent. The detainee is a minor and therefore, there is no question of getting her married to the third respondent as on today. We advised the parents of the detainee not to force her into any other marriage and to make her continue with her studies, so that she can settle down in life. They also agreed to the said suggestion.

2. The learned counsel for the petitioner is directed to advice the parties and to take an affidavit from the petitioner and his wife to the effect that they will not force the detainee for any marriage against her wishes and that they will take care of her studies from the next academic year and will put her in a hostel to enable her to continue her studies. Post this case on 03.10.2019 for passing further orders.

2.The learned counsel for the Petitioner submitted that pursuant to the above order, the detainee went along with her parents. However, on 1.10.2019, she voluntarily left her parents and again joined the Managing Director, IRCDS Home Complex, Perungudi Road, Mathagupatti, Sivagangai District(Cell No.84896 49367).The learned counsel further submitted that the detainee is not willing to stay with her parents.

3.The learned Additional Public Prosecutor, on instructions, submitted that the detainee reported before the Managing Director, IRCDS Home Complex, Perungudi Road,Mathagupatti, Sivagangai District (Cell No.84896 49367) on 1.10.2019 and this was immediately intimated to the second respondent/Police.

4.In view of the above development, no further orders can be passed in this Habeas Corpus Petition, except to ensure the safety of the detainee, who is a minor. The detainee shall stay in the above-said Home and shall be regularly monitored by the second respondent/Police till she attains majority. After the detainee attains majority, it is for her to take a decision about her future life.



5.This Habeas Corpus Petition is disposed of accordingly.

Sd/-
Assistant Registrar (AD-II)

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/TRUE COPY/

Sub Assistant Registrar

vsn

To

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Thiruvegampet Police Station,
Thiruvegampet,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Managing Director,
IRCDS Home Complex,
Perungudi Road,
Mathagupatti,
Sivagangai District
Cell No.84896 49367)

ORDER MADE IN
H.C.P (MD) No.669 of 2019
03.10.2019

JM/23.10.2019/3P/5C