



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

HCP.(MD).No.863 of 2019

G.Chellathayee

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Inspector of Police,
Veerapandi Police Station,
Theni District.

3.Ajith

4.Perumal

5.Anandan

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detainee, the petitioner's minor daughter namely Gayathiri D/o.Ganesan, aged about 17 years, from illegal custody of the respondent Nos.3 to 5 before this Court and handed over to the petitioner.

For Petitioner	: Mr.P.Senguttuarasan
For Respondents	: Mr.K.Dinesh Babu
(R1 & R2)	Addl.Public Prosecutor

For Respondents	: No Appearance
(R3 to R5)	

O R D E R

The detainee Gayathiri was produced before this Court. She stated that her date of birth is 02.02.2003 and that she is aged about 16 years and 7 months. She further stated that she had lover affair with the 3rd respondent. On an earlier occasion both of them had eloped and an FIR came to be registered by the 2nd respondent



Police. There was some compromise between the parties and the case itself came to an end. She further stated that her parents forced her to marry a close relative, against her wishes. Therefore, she left her home and was staying in a relative's place. She further stated that she wants to continue with her studies and that she undertakes not to go along with the 3rd respondent and cause further embarrassment to her parents. She stated that, if the parents give an assurance that they will not force her to get married against her wishes, she is willing to go along with her parents.

2. The parents of the detainee were present before this Court and they specifically stated that they will not force their daughter to marry any one against her wishes. A joint affidavit has also been filed before this Court and the relevant portion of the affidavit is extracted hereunder :-

"3. In the joint affidavit we affirm that we will not think of the marriage of the detainee, till she attain majority, as per law. Further, we affirm that no marriage would take place, till she become major and we will not force her as such in future."

3. The learned Additional Public Prosecutor submitted that the case is now at the stage of CSR No.458 of 2019.

4.The 2nd respondent Police is directed to call the 3rd respondent and record a statement from him by getting an undertaking that he will not go anywhere near the detainee Gayathri.

5. The petition shall be kept pending. If the 3rd respondent again makes any attempts to disturb with the life of the detainee, the 2nd respondent shall immediately register an FIR and proceed further, in accordance with law.

6. In view of the above development and the specific undertaking that was given by the parents of the detainee, the same is recorded and the Habeas Corpus Petition is disposed of. No costs.

Sd/-
Assistant Registrar(AD-I)

/TRUE COPY/

Sub Assistant Registrar

MPK

To

1.The Superintendent of Police,
Theni District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Veerapandi Police Station,
Theni District.

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JM/24.10.2019/3P/3C

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