



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2019

CORAM:

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

H.C.P. (MD) No. 902 of 2019

K.Sumathi

...Petitioner / Mother

Vs.

1.The Superintendent of Police,
O/o the Superintendent of Police,
Tiruchirappalli.

2. The Inspector of Police,
Jambunathapuram Police Station,
Tiruchirappalli District.

3. P.Lakshmi

4. Kanagaraj ... 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 respondents 1 & 2 to secure the petitioner's minor daughter Miss.A.Sindhu from the respondents 3 and 4 and produce the person or body of the petitioner's minor daughter Miss.A.Sindhu, the detainee, aged about 17 years before this Court.

For Petitioner : Mr.B.Vinothkumar

For RR 1 & 2 : Mr.K.Dinesh Babu,
Additional Public Prosecutor

For RR 3 & 4 : No Appearance

O R D E R

(Order of the Court was made by **N.ANAND VENKATESH, J.**)

This Habeas Corpus Petition has been filed to produce the body of the detainee, who is the minor daughter of the petitioner.

2. This petition was filed on the ground that the daughter of the petitioner was illegally taken away by the fourth respondent and she is being kept in his illegal custody.



3. When the matter came up before this Court on 06.09.2019, this Court ordered notice to the respondent police and directed them to produce the detainee before this Court.

4. The learned Additional Public Prosecutor on instructions submitted that the second respondent registered a criminal case in F.I.R.No.85 of 2019 and in the course of investigation, the detainee was traced and she was found staying with one Muthulakshmi, who is claimed to be the aunt of the detainee. Today, the detainee was produced before this Court. The petitioner was present before this Court and the paternal grandparents were also present before this Court.

5. We examined the detainee. The detainee, namely A.Sindhu, stated that she is now studying at Imayam Arts & Science College, Kannanur, Thuraiyur, Trichy district and she has joined first year B.Sc Maths in the said college. According to her, the petitioner is forcing her to marry and she is not willing to marry anyone and she wants to complete her studies and settle down in life. Since the petitioner was making all attempts to get her married, she went away from home and was staying with the above said Muthulakshmi. She categorically stated that she does not know the fourth respondent and she only wants to complete her education and settle down in life. The detainee was not willing to go along with her mother since she apprehends that she will be forcing her to marry someone.

6. The petitioner, who is the mother of the detainee stated that the detainee had developed a relationship with the fourth respondent and she was staying with the fourth respondent. When she was produced before the police, initially she came along with the fourth respondent and also made a statement to that effect. The petitioner very categorically stated that she is not forcing the detainee to get married to anyone and that she wants the detainee to complete her studies and settle down in life. The petitioner also stated that she will file an affidavit to that effect before this Court.

7. When this Court put forth the apprehension raised by the detainee, the petitioner stated that the detainee can continue her studies in the same college by staying in the hostel and the petitioner will go and meet her in the hostel.

8. The paternal grandparents who were present before this Court, stated that they will take care of the detainee and will ensure her safety and also make her complete her studies in the college. It seems that the paternal grandparents do not have a cordial relationship with the petitioner.

9. The Investigation Officer, who was present before this Court submitted that when the detainee was traced, she was found staying along with the above said Muthulakshmi and her husband Pandian. The



detenue was produced before the Judicial Magistrate and the detenue was not willing to go along with the petitioner and therefore, she was made to stay in TNSSS-Sontham, a Government approved home for children.

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10. We have carefully considered the submissions made by the respective parties and also the submissions made on either side.

11. In our considered view, this Court has to ensure that the detenue continues with her studies and settles down in life. We must also ensure that the detenue is not forced into any marriage till she completes her studies. It is to be borne-in-mind that the detenue is only 17 years old and she is a minor girl who was born on 04.06.2002.

12. This Court does not want to get into the rival submissions made on either side and the same is beyond the scope of this Habeas Corpus Petition.

13. Taking into consideration the facts and circumstances of the case, the detenue shall be permitted to stay in the hostel of Iyamam Arts & Science College, Kannanur, Thuraiyur, Trichy district, till she completes B.Sc. Maths under graduation course. The education expenses shall be borne by the petitioner. The petitioner, father of the detenue, brother of the detenue and paternal grandparents of the detenue shall be entitled to meet the detenue in the college hostel and appropriate permission shall be granted by the Management of the above said college.

14. As and when the college is closed for any vacation, the detenue shall be brought back to TNSSS-Sontham, the Government approved home for children and immediately after the college reopens, the detenue shall get back to the hostel attached with the college. This arrangement shall continue till the detenue completes her graduation.

15. One of the major apprehension that has been raised by the petitioner as well the learned counsel representing the petitioner is that the detenue may elope with one Kanagaraj. The detenue feigns ignorance and she says that she does not even know the said Kanagaraj. In order to remove the said apprehension, from the minds of the petitioner, it is made clear that the detenue shall not be permitted to move out of the hostel without informing the Inspector of Police, Jambunathapuram Police station. The Inspector of Police of the said station shall ensure that the said Kanagaraj does not in any way interfere with the life of the dentue and if any such attempt is made, the Inspector of Police, Jambunathapuram Police Station shall immediately take action in accordance with law. By making this arrangement, it can be ensured that the education of the detenue proceeds in a peaceful manner, without any unnecessary intervention.



16. The affidavit, filed by the petitioner undertaking before this Court not to force the detinue into any marriage, till she settles down in life, is taken on file. This Habeas Corpus petition is disposed of accordingly.

Sd/-
Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o the Superintendent of Police,
Tiruchirappalli.
2. The Inspector of Police,
Jambunathapuram Police Station,
Tiruchirappalli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Principal,
Imayam Arts and Science College,
Kannanur, Thuraiyur, Trichy District.
- 5) TMSSS- Sontham,
(Reception Unit for Children)
No.39, V.N.Nagar,Karur Bye Pass Road,
Near Chathiram Bust Stand,
Trichy 620 002

+2 CC to M/s.B.VINOTH KUMAR, Advocate (SR-86208[F] dated 10/09/2019)

Order made in
H.C.P. (MD) No. 902 of 2019

Dated:
10.09.2019

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JM/12.09.2019/4P/8C