



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN**

**AND**

**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

**H.C.P. (MD)No.923 of 2019**

Murugan

: Petitioner

Vs.

1.The Commissioner of Police,  
Madurai City, Madurai.

2.The Inspector of Police  
Thedir Nagar Police Station  
Madurai City, Madurai

3.Marimuthu

: 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 1<sup>st</sup> and 2<sup>nd</sup> respondents police to secure the detainee and produce the body or person of the detainee, viz., Rajalakshmi, D/o.Murugan, aged 12 years before this Court illegally detained by the 3<sup>rd</sup> respondent and hand over the custody of the detainee to the petitioner forthwith.

For Petitioner

: Mr.D.Rameshkumar

For Respondents

: Mr.K.Dinesh Babu  
Additional Public Prosecutor

**ORDER**

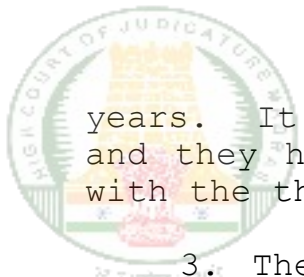
**S.VAIDYANATHAN, J.**

**AND**

**N.ANAND VENKATESH, J.**

This Petition has been filed to direct the 2<sup>nd</sup> respondent police to produce the body of the detainee, who is the minor daughter of the petitioner.

2. The second respondent produced the detainee before this Court. We enquired her and found that her name is Rajalakshmi and she was born on 08.02.2007. The detainee has hardly completed 12



years. It seems that the third respondent is living near her house and they have developed a relationship. She seems to have eloped with the third respondent, who is said to be aged about 21 years.

3. The parents of the detainee were also present before this Court. They stated that they were not aware about the relationship that was going on between their daughter and the third respondent. They further stated that they will make their daughter join in a residential school and provide her with education to enable her to settle down in life.

4. The learned Additional Public Prosecutor, on instructions, submitted that a girl missing FIR has been registered by the second respondent in Crime No.489/2019 on 01.09.2019. The learned counsel further submitted that immediately after the FIR was registered, the detainee and the third respondent were traced and the detainee was taken to the Home and from there, she has been produced before this Court. The learned Additional Public Prosecutor concluded his argument by submitting that the second respondent is taking steps to alter the FIR by including the appropriate offences.

5. The detainee stated that she is not willing to go with her parents. However, considering the fact that the detainee is aged about 12 years and seven months and she is a child, who cannot take her own decision, this Court deems it fit to hand over the detainee to her parents. The second respondent police shall ensure that the detainee goes along with her parents.

6. In view of the above, this Habeas Corpus Petition is disposed of with a direction to the second respondent to immediately alter the FIR and to proceed further with the investigation in accordance with law.

7. As stated above, the parents of the detainee wants to make the detainee to continue her studies in a residential school. The residential school, in which, the detainee is admitted shall permit the detainee to leave the hostel only with her parents.

SD

ASSISTANT REGISTRAR

TRUE COPY

SUB ASSISTANT REGISTRAR (CS        )

RR

To

1.The Commissioner of Police,  
Madurai City, Madurai.

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



2.The Inspector of Police  
Thedir Nagar Police Station  
Madurai City, Madurai

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

1CC TO MR.D. RAMESH, ADVOCATE SR 86953

KK  
11/10/2019  
3P/5C

Order made in  
**H.C.P. (MD) No. 923 of 2019**

Dated: 13.09.2019