



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

H.C.P. (MD) No.934 of 2019

K.Vijaya : Petitioner/Mother of the Detenue

Vs.

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Kottampatti Police Station,
Madurai District.

3.S.Abbas : 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 respondent Nos.1 and 2 to produce the body of person of the detenue, the petitioner's minor daughter namely, Snega D/o.Kuppusamy, aged about 17 years from illegal custody of the respondent No.3 before this Court and handed over to the petitioner.

For Petitioner : Mr.M.Murugesan

For Respondents : Mr.K.Dinesh Babu for R1 & R2
Additional Public Prosecutor

For R3 : No Appearance



ORDER

When the matter came up for hearing on 30.09.2019, the learned Additional Public Prosecutor sought for some time to secure the detainee, who is said to have eloped with the third respondent.

2.Today, both the detainee as well as the third respondent were produced before this Court along with their parents.

3.We enquired the detainee, named Snega, who is aged about 17 years (Date of birth : 15.04.2002). She stated that she is studying first year College and has taken up B.A. (Lit.) as her under graduation course. She further stated that she had an affair with the third respondent and both of them had gone to Chennai and were living there for nearly a month. She further stated that the third respondent was doing some work at Chennai. She further stated that she wants to go along with her parents and continue her studies.

4.We also enquired the third respondent and we were informed that he is also a minor aged about 17 years (Date of birth:02.01.2002). He stated that he discontinued his studies and has taken up a job at Chennai in a private concern.

5.The mother of the third respondent was also present before this Court and she stated that her husband is not living with them and she is working in a shop. She further stated that only the third respondent will have to support her and she has nobody else to support her.

6.The parents of the detainee stated that there is an elder daughter aged about 24 years and with very great difficulty, they are supporting the education of the detainee, who is studying at a Government College, Melur. They stated that they will continue to support the detainee and will also take steps to get her admitted in a hostel attached with the College in order to ensure that she completes her studies without any unwanted diversions.

7.Taking into consideration the facts and circumstances of the case, we direct the second respondent police to take the statements of the third respondent, the detainee and also her parents and keep the FIR pending. If, in case, any such repeat attempts are being made in future, the second respondent can proceed further to take action against the third respondent in accordance with law and any action taken at this point of time will have a very serious impact on the future of the third respondent. The parents of the detainee shall take immediate steps to get the detainee admitted in the hostel attached with the Government College, Melur and also ensure that the detainee completes her studies. Once the detainee is admitted in the hostel, the Government College, Melur shall not permit the detainee to go out of the College except with her parents.



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8. With the above direction, this Habeas Corpus petition is disposed of.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

- 1.The Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Kottampatti Police Station,
Madurai District.
- 3.The Government College,
Melur
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
H.C.P. (MD)No.934 of 2019
Dated: 14.10.2019

JMN(25.10.2019) 3P : 5C