



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Monday, the Ninth day of December Two Thousand and Nineteen

PRESENT

The Hon'ble Mr. Justice T. RAJA

AND

The Hon'ble Mr Justice B. PUGALENDHI

CRL MP(MD). No.10266 of 2019

in

HCP(MD).No.902 of 2019

1 A. Natesan

2 C.Akkandi

...Petitioners/3rd Party/Grand Parents

Vs

1 The Superintendent of Police, Tiruchirappalli

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

3 P.Lakshmi

4 Kanagaraj

...Respondents 1 to 4 /Respondents 1 to 4

5 K.Sumathi

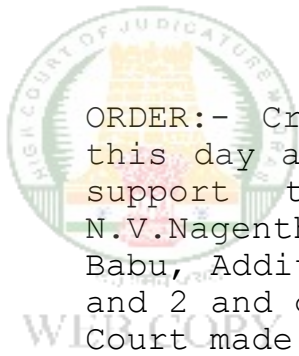
...5th Respondent/Petitioner

Prayer in CRL MP(MD). No.10266 of 2019:-

Criminal Miscellaneous Petition is filed under Article 226 of the Constitution of India, praying this Hon'ble Court to modify the order passed in H.C.P.(MD)No.902/2019 dt 10.09.2019 by permitting their minor daughter the detainee A.Sindhu, aged about 17 years, to stay in her grand parents' home and to continue her studies from there.

Prayer in HCP(MD).No.902 of 2019 :

Habeas Corpus Petition is filed under Article 226 of the Constitution of India, praying this Hon'ble Court to issue a Writ of Habeas Corpus directing the respondents 1 and 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 the Court.



ORDER:- Criminal Miscellaneous Petition coming up for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. N.V.Nagenthran, Advocate for the Petitioner and of Mr. K.Dinesh Babu, Additional Public Prosecutor on behalf of the Respondents No.1 and 2 and of Mr.B.Vinoth Kumar, Advocate For the 5th respondent, this Court made the following order:

(Order of the Court was made by T.RAJA, J.)

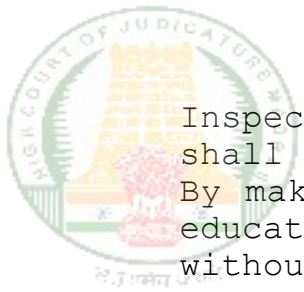
This petition has been filed by the grandfather of the detainee, viz., Sindhu, who is presently in a Government Home, as per the order of this Court dated 10.09.2019.

2. It is the case of the father of the detainee that the detainee, namely, Sindhu, fell in love with the third respondent and she is staying in the College hostel and pursuing her undergraduate degree course. Since the detainee refused to go with her parents in the earlier occasion, this Court passed the following order:

"13. Taking into consideration the facts and circumstances of the case, the detainee shall be permitted to stay in the hostel of Imayam 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 detainee, brother of the detainee and paternal grandparents of the detainee shall be entitled to meet the detainee 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 detainee shall be brought back to TNSSS-Sontham, the Government approved home for children and immediately after the college reopens, the detainee shall get back to the hostel attached with the college. This arrangement shall continue till the detainee 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 detainee may elope with one Kanagaraj. The detainee 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 detainee 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 detainee proceeds in a peaceful manner, without any unnecessary intervention.

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

3. Today, both the father and mother of the detainee, viz., Sindhu appeared before us. On our enquiry, the father told us that he is a Driver driving vehicle holding All India Permit, therefore, after driving the lorry to various States, he used to come to his house once in three months and therefore, he was not able to pay proper attention to his children, however, he is able to manage his son's education, who is pursuing his Aeronautical Engineering at Trichy.

4. The father of the detainee further stated that he is not able to pay the hostel fees of the detainee, which comes around Rs.55,000/- and therefore, we direct the second respondent herein, to handover the detainee, namely, Sindhu, aged 17 years, who is kept in the Government Home, to her father, namely, Alagumuthu and the parents are directed to take care of her.

5. At this juncture, the learned counsel for the petitioner, who is the grandfather of the detainee, submitted that the petitioner is ready and willing to bear the educational expenses of the detainee. However, this was strongly opposed by the father of the detainee by stating that the grandparents are hand in glove with the third respondent and they are making arrangements to get her married to the third respondent. Therefore, we are not inclined to accept the request made by the learned counsel for the petitioner.

6. This petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

TO

1 The Superintendent of Police, Tiruchirappalli

2 The Inspector of Police, Jambunathapuram Police Station,

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



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

+1CC TO MR.B.VINOTHKUMAR, ADVOCATE, SR NO.104095

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ORDER DATED:09.12.2019

ORDER

CRL MP(MD) . No.10266 of 2019
in

HCP(MD) .No.902 of 2019

KK/SAR/31.12.2019/4P-5C/