



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

H.C.P. (MD)No.1257 of 2019

Subramanian : Petitioner/Father-in -law of the Detenue
Vs.

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Inspector of Police,
Uppiliapuram Police Station,
Trichy District.

3.The Inspector of Police,
Thuraiyur Police Station,
Trichy District.

4.Ravichandran : Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India to direct the 1st and 2nd respondents to secure the detenue, Swathi, W/o.Baskar aged about 18 years from the illegal custody of Government Home, Junction, Trichy and produce her before this Court and set her at liberty.

For Petitioner : Mr.T.Leninkumar
For Respondents : Mr.K.Dinesh Babu for R1 to R3
Additional Public Prosecutor

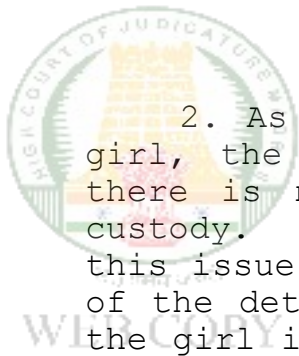
ORDER

S.VAIDYANATHAN, J.

AND

N.ANAND VENKATESH, J.

The petitioner, who is said to be the father-in-law of the detenue, has approached this Court for production of the detenue stating that the victim girl is aged 18 years, as per the school records and that the fourth respondent had fabricated the birth certificate, as has been produced before this Court, which has been registered in the Thuraiyur Municipality on 12.02.2002 stating that her date of birth is 12.02.2002.



2. As there is a dispute with regard to the age of the victim girl, the police have sent her to Government Home at Trichy and there is no evidence to the effect that the girl is in illegal custody. In the Habeas Corpus Petition, this Court cannot go into this issue and conduct a roving enquiry, as what is the correct age of the detainee and whether the girl is of marriageable age. Since the girl is not in illegal custody, this Habeas Corpus Petition is not maintainable and the same is accordingly dismissed. However, it is open to the parties concerned to approach the appropriate forum and establish that there was no illegal marriage and that the victim girl was aged over 18 years on the date of marriage.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS-II)

To

- 1.The Superintendent of Police,
Trichy District, Trichy.
- 2.The Inspector of Police,
Uppiliapuram Police Station,
Trichy District.
- 3.The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
- 4.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T. LENIN KUMAR, Advocate(SR-101405[F] dated 26/11/2019)

HCP. (MD) No.1257 of 2019
26.11.2019

RR

ES/28.11.2019/2P/6C