

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P. No.1443 of 2020

Thangaponnu, Female / 35 Years,
W/o. Sivasamy,
No.2/176A, Nakosipatti Gattuvalavu,
Nariyanur, Pallipatti Village,
Mallikundam Post,
Mettur Taluk,
Salem District.

... Petitioner

Vs.

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

2.The Inspector of Police,
Mecheri Police Station,
Mecheri - 636 453,
Salem District.

3.Ayyasamy,
S/o. Kulanthaiyan,
Kanniyampatti Village,
Chinnappampatti Post,
Sangagiri Taluk, Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus directing the respondents 1 & 2 herein to produce the body and person of the detenu by name S.Manjula @ Manju, who is aged about 17 years and who has been illegally detained by the 3rd Respondent, before this Court and handover to the Petitioner.

For Petitioner : Mr.M.R.Jothimanian

For Respondents: Mrs. M. Prabhavathi,
Additional Public Prosecutor

Page numbers

O R D E R
(Order of the court was made by N.KIRUBAKARAN,J.)

The matter is heard through "Video Conferencing".

2.The petitioner has filed this petition stating that her daughter S.Manjula @ Manju, who is alleged to be a minor, is missing from 20.08.2020, apprehending that the 3rd respondent would have kidnapped the her daughter.

3.When the matter is called today, the alleged detainee, who is studying II year B.C.A. in Vivekanantha College of Arts and Science for Women, Tiruchengode, Namakkal District, has been produced through Video-Conference by Ms.Veerammal, Inspector of Police, All Women Police Station, Sankari Police Station. She would submit that the detainee is aged about 19 years and she produced School Certificate to show that her Date of Birth is 09.06.2002. She would submit that she got married to the 3rd respondent on her own and she expressed her willingness to be with her husband. The husband, the 3rd respondent Iyyasamy is also present and he would undertake that he would take care of Manjula with whom he got married.

4.Though Mr.M.R.Jothimanian, learned counsel appearing for the petitioner would submit that there is difference in date of birth, as per the Birth Certificate, the date of birth is 03.07.2003 whereas as per the School Certificate, it is 09.06.2002. Under those circumstances, earlier the Division Bench of this Court held that only the Birth Certificate alone has to be relied upon for deciding the date of birth. However, based on the date of birth made in the School Certificate, the detainee completed her school studies, she got admitted in the college and she is doing II year. Therefore, it is evident that the detainee is a major.

5.Earlier this Court directed the detainee to speak to her mother through Video-Conference every day at 6.00 p.m. Though the mother is present and would admit that her daughter spoke to her through Video-Conference, the daughter is not willing to come back to the parents. Therefore, this Court asked as to whether it is possible for the petitioner to go over to Sankari Police Station, for which the petitioner expressed that unless the daughter comes to meet her in Mecheri Police Station, it is not possible for her to go over to Sankari.

Page numbers

6.Taking into consideration that the detenue is a major and on her own volition, she got married to the 3rd respondent, this Court is not inclined to give any direction. Hence, this petition stands closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

kj

To

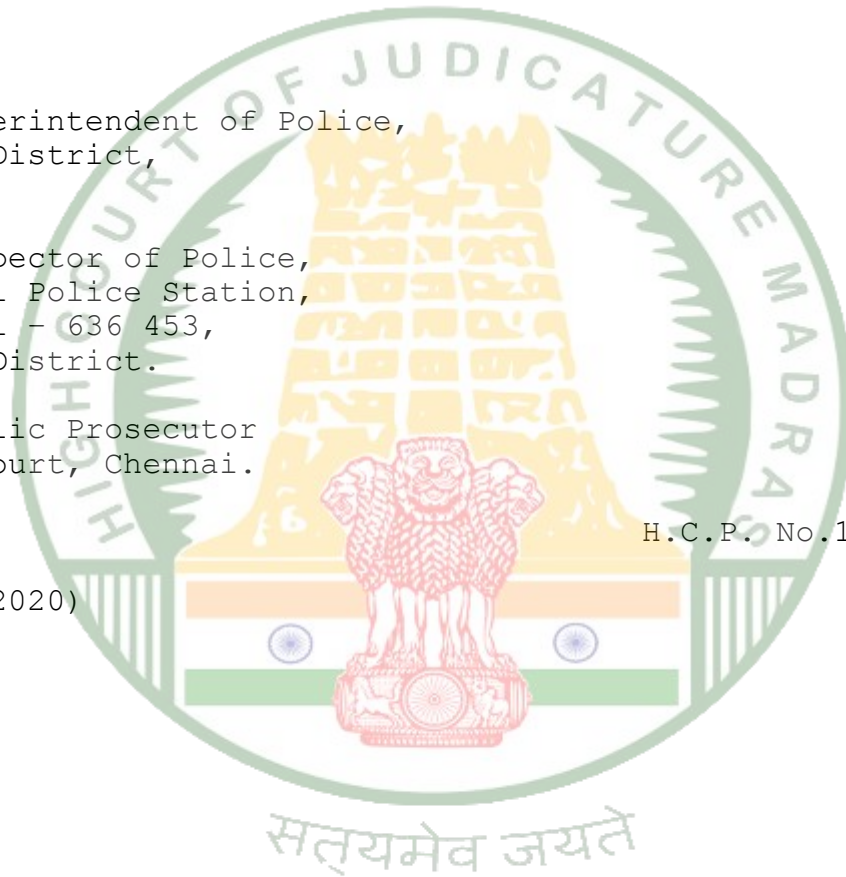
1.The Superintendent of Police,
Salem District,
Salem.

2.The Inspector of Police,
Mecheri Police Station,
Mecheri - 636 453,
Salem District.

3.The Public Prosecutor
High Court, Chennai.

H.C.P. No.1443 of 2020

RSV(CO)
CB(09/10/2020)



WEB COPY

Page numbers