

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.No.1734 of 2020

Palanisamy

... Petitioner

Vs

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

2.The Inspector of Police,
AWPS - Ammapet Police Station,
Salem.

3.Manivannan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus directing the 1st respondent to rescue the girl and produce my daughter, Sneha D/o Palanisamy aged about 17 years old girl, before this Court and hand over my daughter to me.

For Petitioner : Mrs.S.Lakshmi.

For Respondents: Mr. R. Prathap Kumar,
Additional Public Prosecutor for
R1 & R2.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Petitioner who is the father of the detenue has filed this petition stating that his daughter allegedly aged about 17 years is missing from 29.12.2019 and in this regard, complaint has been given by the petitioner and First Information Report has been registered in Crime Number 2 of 2020. Since no action has been taken, the present petition has been filed.

3. When the matter is called today, the learned Additional Public Prosecutor after getting instructions from the second respondent / Inspector of Police filed a report and submitted that after the registration of the First Information Report, the detainee appeared before the All Women Police Station, Ammapet and produced the Transfer Certificate issued by School and Aadhar Card. The documents produced by the detainee would show that the detainee's date of birth is 06.03.2002 and she got married to the third respondent after completion of 18 years and thereafter, intimation was given to her parents.

4. It is further submitted that her parents refused to take their daughter with them and thereafter, the detainee was handed over to the Government Home Life Line Trust. On 16.09.2020, the detainee was produced before the Additional Mahila Court, Salem and she confessed to the learned Magistrate that after attaining 18 years, she got married to the third respondent on 10.03.2020 at Belur Eswaran temple, Salem. After recording the statement of the detainee, the parents of the detainee were informed about the marriage of the detainee. But her parents ignored to attend the Court and meet their daughter. Thereafter, the detainee was sent back to the Government Home Life Line Trust and the sections of offence registered have been altered to Sections 363, 366, 342, 346 of Indian Penal Code and 5 (1), (i), (ii) read with POCSO Act & 9 of Child Marriage Act on 16.09.2020.

5. Further, it is stated that on 22.09.2020, the parents of the accused / in laws of the detainee approached the Child Welfare Committee, Salem and requested to send the detainee with them. The Child Welfare Committee called the detainee's parents for discussion. However, they did not respond and hence, she has been handed over to her in laws. On 26.09.2020, the detainee was produced before Government Mohan Kumaramangalam Medical College Hospital, Salem by the AWPS, Ammapet due to the alteration of the Sections.

6. From the above, it is evident that the process of law has already been commenced and the detainee has been produced before the learned Magistrate and therefore, it is clear that there is no illegal custody. Moreover, the Transfer Certificate produced by the detainee itself shows that the detainee was major at the time of her marriage. Hence, recording the above statements, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

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

2.The Inspector of Police,
AWPS - Ammapet Police Station,
Salem.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Ajs (co)
krd 28/10

H.C.P.No.1734 of 2020