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H.C.P.(MD) No.714 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P.(MD) No.714 of 2020

Muthupandiyammal

... Petitioner

-vs-

1. The Commissioner of Police
Madurai District, Madurai
2. The Inspector of Police
AWPS Madurai Town Police Station
Madurai District

3. Indran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the petitioner's daughter namely Lavanya, daughter of Sivakumar (minor aged about 17 years) or her body before this Court and handed over to the petitioner based on the FIR in Crime No.18 of 2020 and the petitioner's representation dated 12.06.2020.

For Petitioner : Mr.S.Sivaprakash

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R1 & R2
Mr.Senguttuvan for R3

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 and 2 to produce her minor daughter, namely, Lavanya, aged about 17 years, before this Court and set her at liberty.

2. Mr.S.Sivaprakash, learned counsel for the petitioner, would argue that the detinue was a minor, when she eloped with the third respondent on 06.09.2020. It is further contended that the third respondent was already married and having two children born out of the first wife and he is facing criminal cases also.

3. Mr.Senguttuvan, learned counsel for the third respondent, would state that the first marriage of the third respondent has

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already ended in divorce and he remarried the detinue on 26.09.2020 and the detinue is a major as on date.

4. Today, the detinue appeared before this Court through Video Conferencing. On enquiry, the detinue informed that she has now attained majority and married the third respondent on 26.09.2020 and she wants to go with her husband and not with the petitioner herein.

5. Indisputably, the detinue is a major as on date and she is not interested to go with her mother / petitioner herein and wants to live with her husband / third respondent herein.

6. In the light of the above statement of the detinue, the habeas corpus petition is closed as no further orders are necessary.

Sd/-

Assistant Registrar (A.S)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To:

1. The Commissioner of Police,
Madurai District, Madurai.
2. The Inspector of Police,
AWPS Madurai Town Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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