



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

H.C.P. (MD) No.884 of 2020

N.Murugan

... Petitioner/Father of the detenue

-vs-

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Kanyakumari.

3.Muthukumar

4.Murugan @ Kokki Murugan

5.Bama

... Respondents/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 body or person of the detenu viz., the petitioner's minor daughter namely Sharmila, D/o Murugan aged about 17 years and hand over the custody of the detenue with him.

For Petitioner : Mr.A.Mohamed Haneef

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor (for R1 & R2)
Mr.S.Vikram (for R4 and R5)

O R D E R

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

This habeas corpus petition has been filed seeking a direction to the respondents 1 and 2 to produce the petitioner's minor daughter Sharmila aged about 17 years and hand over her custody to the petitioner.



2.The petitioner is the father of the detinue. According to him, he is a daily wages collie and the detinue is a minor and she has completed +2 and due to holidays, she was in the petitioner's sister-in-law's house. While so, she was found missing from 25.08.2020. Hence, a complaint was lodged with the second respondent police on 26.08.2020. The petitioner would further state that though the second respondent registered a case in Crime No.24/2020 on 26.08.2020 under Section 366 of IPC, no effective steps were taken to secure the minor girl. He has also stated that the detinue was illegally detained by the private respondents 3 to 6. Hence, the present petition has been filed.

3.When the matter is taken up for hearing today, the petitioner, the detinue and the third respondent appeared before this Court through video conferencing. The learned Additional Public Prosecutor would state that the detinue was born on 30.11.2002 and she had become major on 30.11.2020. On enquiry, the detinue would state that she had love affair with the third respondent and they got married on 01.12.2020 and they are living together as husband and wife.

4.Mr.S.Vikram, learned counsel for the private respondents 4 and 5 would state that as on date, the detinue is a major and hence, the custody of the detinue need not be handed over to the petitioner and she can be set at liberty.

5.In the light of the above statement of the learned counsels, this Habeas Corpus Petition is allowed and the detinue is set at liberty.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skn

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.



To:

- 1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 2.The Inspector of Police,
All Women Police Station,
Kanyakumari.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.884 of 2020

01.12.2020

CK (CO)

NR (16/12/2020) 3P : 4C