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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

CRL.M.P.NO.8991 OF 2021
IN
H.C.P.NO.481 OF 2021

Selvi
D/o.Venkatesh

.. Petitioner/
Intervenor

Vs.

1. Salamma
2. The Superintendent of Police,
Salem District,
Salem.
3. The Inspector of Police,
All Women Police Station,
Mettur, Salem District.
4. Babu
5. Sankar
6. Singaram
7. Rajammal
8. Neelambu
9. Palanisamy

.. Respondents

Prayer:-

Criminal Miscellaneous Petition filed under Article 226 of the Constitution of India praying to modify the order passed in H.C.P.No.481 of 2021 dated 25.06.2021 by modifying the order instead of appearing before the Inspector of Police, Mettur the petitioner may be permitted to appear before the Learned Judicial Magistrate II, Mettur, or before this Court.



H.C.P.No.481 of 2021:-

To direct the 1st Respondent to produce the petitioners minor daughter Selvi, aged about 17 years before this Court.

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For Petitioner : Mr.R.Karthikeyan

For Respondents: Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking modification of the order passed by this Court in H.C.P.No.481 of 2021 dated 25.06.2021.

2. On 25.06.2021, we passed the following order in H.C.P.No.481 of 2021:

'It is the case of the petitioner that her daughter viz. Selvi, aged about 17 years, went missing since 16.02.2021 and that, she is in the illegal custody of Babu (3rd respondent). It is her further grievance that, the Police are not taking effective steps to secure her.

2. During the pendency of this Habeas Corpus Petition, detainee Selvi filed an Intervening Petition in CrI.M.P.No.6502 of 2021 through Mr.Karthikeyan, Advocate. Mr.Karthikeyan, stated that Selvi is not willing to go with her mother (petitioner) and that, she wants to marry the 3rd respondent.

3. Be that as it may, we direct the detainee Selvi be produced before the Inspector of Police, All Women Police Station - Mettur, in Crime No.5 of 2021, who in turn shall be produced before the learned Judicial Magistrate No.II, Mettur, under intimation to the petitioner. On such production, the learned Magistrate, shall pass appropriate orders with regard to the custody of the detainee Selvi.

4. With the above direction, this Habeas Corpus Petition stands closed.'



3. Thereafter, Selvi has filed the present petition for modification of the said order on the ground that if she surrenders before the police or before the learned Judicial Magistrate II, Mettur, there possibly could be threat to her life as she got married to one Babu @ Nagarajan against the wishes of her parents.

4. On 13.09.2021, we passed the following order:

'We direct the presence of Selvi (alleged detainee), Babu @ Nagaraj and Salamma, third respondent and petitioner in H.C.P.No.481 of 2021, respectively and the Inspector of Police, All Women Police Station, Mettur, Salem District, before this Court on 20.09.2021.

Post the matter on 20.09.2021.'

5. Today, Ms.V.Uma Priyadharshini, Inspector of Police, All Women Police Station, Mettur, Salem District, is present. Salamma/petitioner in H.C.P.No.481 of 2021, Selvi (alleged detainee) and Babu @ Nagaraj are also present.

6. When we enquired Selvi, she stated that her date of birth is 26.05.2002 according to her Aadhar Card. However, her school certificate shows her date of birth as 08.06.2003. Even if we keep her date of birth as 08.06.2003, as on today, she has attained the age of majority.

7. Selvi told us that she got married to Babu @ Nagaraj on 25.06.2021 and thus, she wants to go with her husband and not with her mother.

8. In view of the above, paragraph No.3 of the order dated 25.06.2021 passed in H.C.P.No.481 of 2021 stands cancelled. Since Selvi is a major, she is at liberty to chalk out her own life.

Accordingly, the Criminal Miscellaneous Petition is ordered.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm



To

1. The Judicial Magistrate II,
Mettur.
2. The Superintendent of Police,
Salem District, Salem.
3. The Inspector of Police,
All Women Police Station,
Mettur, Salem District.
4. The Public Prosecutor,
High Court, Madras.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras-104.

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.47726

Cr1.M.P.No.8991 of 2021
in
H.C.P.No.481 of 2021

SV-1 (CO)
CS/27/09/2021