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H.C.P.(MD) No.125 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVA

H.C.P.(MD) No.125 of 2021

M.Govindammal

... Petitioner/Mother of Detenu

-vs-

1.The Superintendent of Police
Office of the Superintendent of Police
Madurai District

2.The Inspector of Police
Vadipatti Police Station
Madurai District

3.M.Naveen Kumar

... 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 petitioner daughter by name M.Alagurani, daughter of Late.Manikandan, aged 16 years, before this Court and hand over the custody of the petitioner daughter to the petitioner.

For Petitioner : Mr.Malaikani.S.

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

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 daughter, namely, M.Alagurani, daughter of Late.Manikandan, aged 16 years, before this Court and hand over the custody of the detenu to her.

2. The petitioner would state that her daughter / detenu herein is studying XII Standard in Vadipatti Government Girls Higher Secondary School and she was compelled by the third respondent to have love affair. It is also stated that when the detenu refused, the third respondent tortured her. While so, on 24.08.2020, the detenu went to School, but, she did not come back. It is alleged

<https://hcservices.ecourts.gov.in/hcservices/>



that the detinue is under the illegal custody of the third respondent and hence, the petitioner lodged a complaint before the second respondent and based on the said complaint, a case was registered in Crime No.1712 of 2020, but no appropriate action was taken and hence, this habeas corpus petition.

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3. The learned Additional Public Prosecutor, on instructions, would submit that the third respondent's family made arrangements for the performance of the third respondent's marriage with the detinue on 27.01.2021. Since the detinue was minor, the Town Health Officer lodged a complaint to the second respondent under the Prohibition of Child Marriage Act, 2006 and the complaint was registered in C.S.R.No.45 of 2021. On 26.01.2021, the detinue was secured and handed over to the Child Welfare Committee, who in turn sent the detinue to the Home.

4. When the matter is taken up for hearing, the detinue appeared before this Court through Video Conferencing from the Office of the Public Prosecutor. On enquiry, the detinue would state that she is willing to go with her mother / petitioner herein and also stated that there is no proposal for the marriage of the detinue with the third respondent as alleged by the respondent Police. The petitioner expressed her willingness to take the detinue to her house.

5. In the light of the above submissions of the detinue, the habeas corpus petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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 Superintendent of Police
Office of the Superintendent of Police
Madurai District

2.The Inspector of Police
Vadipatti Police Station
Madurai District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-2739[F] dated 02/02/2021)

H.C.P. (MD) No.125 of 2021
02.02.2021

VB (12.02.2021) 3P 5C