



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2021

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGOVAN**

H.C.P. (MD) No.169 of 2021

V.Balakrishnan

... Petitioner

-vs-

1.The Superintendent of Police,
Tenkasi,
Tenkasi District.

2.The Deputy Superintendent of Police,
Puliyangudi,
Tenkasi District.

3.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

4.M.Karpaga Esakki

5.K.Paramasivan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents 1 to 3 herein to secure the detainee namely B.Kavitha daughter of V.Balakrishnan, aged 17 years and produce the body of the detainee before this Court and handover the detainee to the petitioner.

For Petitioner: Mr.R.J.Karthick
For R1 to R3 : Mr.K.Dinesh Babu
Additional Public Prosecutor
For R4 : Mr.P.Kalaiyarasi Bharathi
For R5 : Mr.P.Muthusamy

O R D E R

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

This habeas corpus petition has been filed for a direction to the respondents 1 to 3 to produce, the petitioner's daughter,
<https://hcservices.ecourts.gov.in/hcservices/>



namely, Kavitha, aged about 17 years, before this Court and hand over her custody to the petitioner.

2. Today, when the matter was taken up for hearing, the petitioner as well as the detinue appeared before this Court in person. On enquiry, the detinue would state that she has become major and she married the fourth respondent in the month of January 2021. In support of her case, she has produced Aadhar card.

3. Mr.R.J.Karthick, learned counsel appearing for the petitioner would state that the detinue is a minor as per the School Certificate and so far, she has not attained majority.

4. It appears that the detinue appeared before the concerned Judicial Magistrate and in view of the pendency of this habeas Corpus Petition, no order was passed by the learned Magistrate. Since there is a dispute with regard to the age of the detinue, we are not passing any orders in the habeas corpus petition and instead directing the third respondent to produce the detinue before the concerned Magistrate Court for passing necessary orders.

5. With the above direction, this habeas corpus petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Tenkasi,
Tenkasi District.

2.The Deputy Superintendent of Police,
Puliyangudi,
Tenkasi District.



3.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-7952[F] dated 01/03/2021)

H.C.P. (MD) No.169 of 2021

26.02.2021

VR (CO)

KK(01.03.2021) 3P 6C