



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.179 of 2021

Vijila

... Petitioner

-VS-

- 1.The Superintendent of Police
Tuticorin District, Tuticorin
- 2.The Inspector of Police
All Women Police Station
Tiruchendur, Tuticorin District
- 3.Sakthi @ Sathis

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the second respondent to secure the petitioner's minor daughter Subisha aged about 17 years, daughter of Balakrishnan and hand over her to petitioner's custody.

For Petitioner : Mr.R.Balakrishnan

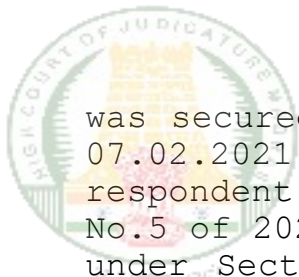
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R1 & R2

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 second respondent to secure her minor daughter, namely, Subisha, aged about 17 years, and handover the custody to her.

2. When the matter is taken up for hearing, Mr.K.Dinesh Babu, learned Additional Public Prosecutor, would state that the detenu



was secured from the grandmother's house of the third respondent on 07.02.2021. Originally the case was registered by the second respondent Police for the offence under Section 366 I.P.C. in Crime No.5 of 2021 and after securing the detainee, the case was altered to under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012. The detainee is in the Government Vigilance Home, Tuticorin.

3. Today, the petitioner along with her husband appeared before this Court and the detainee appeared through Video Conferencing from the Office of the Public Prosecutor. On enquiry, the detainee would state that she is willing to go with her mother / petitioner herein and the same was accepted by the petitioner.

4. In the light of the above statement of the detainee as well as the petitioner, the respondent Police is directed to handover the custody of the detainee with her mother / petitioner herein forthwith.

5. With the above observations, the habeas corpus petition is closed.

Sd/-

Assistant Registrar (AE)

// 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,
Tuticorin District, Tuticorin.

2.The Inspector of Police,
All Women Police Station,
Tiruchendur,
Tuticorin District.



H.C.P.(MD) No.179 of 2021

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

4.The Officer in charge,
Government Vigilance Home, Tuticorin

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-6749[F] dated
23/02/2021)

H.C.P. (MD) No.179 of 2021
23.02.2021

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