



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P.(MD) No.1013 of 2021

Palraj

... Petitioner/Father of
the detenu

-vs-

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

2.The District Social Welfare Officer,
Virudhunagar District,
Virudhunagar.

3.The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.

4.The Superintendent /Warden,
M.M.S.S.S.,
Reception Unit under Madurai Mutipurpose Social
Service Society,
Virudhunagar,
Virudhunagar District.

... 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 produce the body or person of the detenu child Mareeswari, D/o. Palraj, aged about 15 years 4 months, before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.M.Jothibasu

For R1 to R3 : Mr.S.Ravi
Standing counsel for the State



O R D E R

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

The Habeas Corpus Petition has been filed for a direction to the respondents 1 to 3 to produce the petitioner's daughter viz., Mareeswari, aged about 15 years, before this Court and hand over the custody to the petitioner.

2. Mr.S.Ravi, learned Standing counsel appearing for the State would submit that the Social Welfare Officer received a complaint alleging child marriage. On that basis, he conducted enquiry and secured the detenu. Thereafter, a notice was sent to the petitioner and his wife to attend enquiry, they did not comply and hence, the detenu is now in the custody of the fourth respondent.

3. The detenu, on enquiry, would state that she has completed 10th standard and she wants to pursue her studies. The parents of the detenu have appeared from the office of their counsel and stated that they are ready to provide education to the detenu and they will not arrange marriage for the detenu. The learned counsel has filed an affidavit to that effect.

4. In the light of the above facts, the second and third respondents are hereby directed to hand over the custody of the detenu to the petitioner. Accordingly, the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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,
Virudhunagar District,

Virudhunagar

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



2.The District Social Welfare Officer,
Virudhunagar District,
Virudhunagar.

3.The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-23993[F] dated 27/07/2021)

H.C.P. (MD) No.1013 of 2021
26.07.2021

RK (04.08.2021) 3P 6C