



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) .No.1254 of 2021

Balanagammal

... Petitioner

-vs-

1.State represented by

The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,

K.Pudur Police Station,
Madurai City,
Madurai.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the petitioner's daughter namely Dhanalakshmi (Aged about 17 years), D/o. Kannan before this Court and handed over the custody to the petitioner.

For Petitioner : Mr.D.Anbarasu

For R1 & R2 : Mr.S.Ravi

Standing counsel for the State

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

Alleging that the petitioner's daughter by name Dhanalakshmi, aged about 17 years, was found missing, the petitioner has given a complaint before the second respondent police. Since no action has been taken, the present Habeas Corpus Petition has been filed.

2. When the matter is taken up for hearing today, the second respondent police produced the detenu before this Court and the petitioner is also present and on enquiry, the detenu has stated that the petitioner got married her to a person against her wish. Hence, she left the parental house and staying at Tirupur and working in a private company. She further stated that her mother compelling her to live with the person, who married her, against her wish. However, her mother has stated that already the marriage has been dissolved customarily, and she will not compel her to live with



him. But the girl is very adamant and she is not willing to go with her mother and she is willing to go to Tirupur, where she is working.

3. Considering the fact that the detenu is a minor and she is not willing to go with her mother, we have no other option than to send her to the Home. Accordingly, the second respondent police is directed to send her to 'Sakthi Vidiyal Home', Muthupatti, Thiruparankundram, till she attain majority.

4. With the above direction, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (T&P)

// 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 Commissioner of Police,
O/o. the Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
K.Pudur Police Station,
Madurai City, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.ANBARASU, Advocate (SR-29816[F] dated 21/09/2021)

ORDER MADE IN

H.C.P. (MD) No.1254 of 2021

21.09.2021