



H.C.P.No.539 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.539 of 2023

R.Thirupathy

.. Petitioner

Vs.

1. The Superintendent of Police
Tiruppattur
Tiruppattur District

2. The Inspector of Police
Kurisilapet Police Station
Kurisilapet
Tiruppattur District – 635 702

3. Sathiyaraj

4. Valliammal

5. Sathya

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing 1st and 2nd respondents to produce the body of the minor daughter xxx, aged 17 years before this Court who is under the illegal custody of Respondents 3 to 5 and hand over the custody of Minor girl xxx, aged 17 years to the petitioner/natural guardian.

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For Petitioner : Mr.V.Ashok Kumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.A.Narkeeran for R1 to R3

ORDER

[Order of the Court was made by M.NIRMAL KUMAR, J.,]

The petitioner lodged a complaint with the second respondent on 08.10.2022 stating that his daughter who is aged about 17 years and studying Class X at Madavalam Government Girls Higher Secondary School, Tiruppathur District, was found missing from 07.10.2022 though FIR in Crime No.123 of 2022, for Girl Missing registered, thereafter the respondent police not taken any action. Hence, concerned about his daughter's safety and apprehending illegal detention of his daughter at the hands of private respondents (Respondents 3 to 5), the petitioner filed the present habeas corpus petition.

2. Mr.R.Muniyapparaj, learned Additional Public Prosecutor, who accepted notice on behalf of Respondents 1 and 2 submitted that the Date of Birth of the absentee is 09.05.2005, she is studying 10th Standard in the



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above Government School and she was friendly with the third respondent which was opposed by the absentee's parents. He further submitted that the absentee and third respondent eloped and from 10.10.2022 to 08.04.2023 they were living together at Tiruppur in a rented house and they have also contracted a marriage. It is further submitted by learned Additional Public Prosecutor that Respondents 4 and 5 who are mother and sister of the third respondent encouraged third respondent in this act. On 08.04.2023, the absentee as well as third respondent were found near Tiruppattur bus stand, they were secured and sent for medical examination and thereafter, a case which was initially registered for 'girl missing' has been altered to one under the provisions of the Protection of Children from Sexual Offences Act, 2012 (32 of 2012) and Prohibition of Child Marriage Act, 2006. It is submitted that the absentee is now 6 months pregnant.

3. Today, the absentee, her parents as well as third and fourth respondents are present before this Court.

4. On interaction, the absentee submitted that she voluntarily went with the third respondent and now she intends to go with her parents. The second respondent submits that during the enquiry it was found that the



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absentee seems to be very firm about her relationship with the third respondent and she is not willing for any medical termination of foetus and doctors have also opined that now it is not possible for medical termination.

5. As the absentee is now willing to join her parents, she is hardly four weeks short of attaining majority as her Date of Birth being 09.05.2005, we are not expressing any opinion on the facts of the case.

Reserving all rights of the respective parties to approach the appropriate forum and recording the above stated position, this Habeas Corpus Petition is closed.

(M.S.,J.) (M.N.K.,J.)
11.04.2023

gpa

To

1. The Superintendent of Police
Tiruppattur
Tiruppattur District
2. The Inspector of Police
Kurisilapet Police Station
Kurisilapet
Tiruppattur District – 635 702
3. The Public Prosecutor
Madras High Court, Chennai

M.SUNDAR, J.,
and

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M.NIRMAL KUMAR, J.,

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