



H.C.P.No.1475 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

H.C.P.NO.1475 OF 2023

S.Jerina Beevi

.. Petitioner

Vs.

1.The Commissioner of Police
Vepery,
Chennai – 600 007.

2.State Rep. By
The Inspector of Police
W-18, M.K.B.All Women Police Station,
Chennai.

3.Tamilarasu

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus to direct the second respondent herein to produce the body of the petitioner daughter Sharmila Banu (aged 17 years) before this Court from the illegal custody from the third respondent and hand over the custody.



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For Petitioner : Mr.K.Rahul

For Respondents : Mr.E.Raj Thilak
1 and 2 Additional Public Prosecutor

ORDER

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

This order will now dispose of the captioned 'Habeas Corpus
Petition' ['HCP' for the sake of brevity].

2.Factual matrix in a nutshell is that petitioner's daughter is one xxx [we are masking the name of the petitioner's daughter (for reasons that are obvious) and we shall hereinafter refer to her as 'absentee' for the sake of convenience and clarity]; that absentee aged 17 years; that absentee is missing from 21.05.2023; that it is the case of the petitioner that absentee is friendly with the third respondent (private respondent); that petitioner lodged a complaint with official respondents 1 and 2 on 17.07.2023; the case of the petitioner is that she fears that absentee may have been unlawfully detained or may be in illegal custody of the third respondent; that under such circumstances, captioned HCP has been filed in this Court on 28.07.2023.



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3.In the Admission Board today, Mr.K.Rahul, learned counsel on record for petitioner, Mr.E.Raj Thilak, learned State Additional Public Prosecutor for respondents 1 and 2 (official respondents) are before this Court. Be that as it may, the absentee has been produced before us by the second respondent police.

4.This Bench had an interaction with the absentee and the following points emerged:

(i)Absentee as of today is a minor, her date of birth being 27.10.2005 (17 years and 9 months). This means that absentee will become a major in 2 ½ months from now i.e., by 27.10.2023;

(ii)Absentee says that she intends to marry the third respondent;

(iii)Absentee makes it clear that she has not contracted a marriage with the third respondent and



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that she is firm that she wants to get married to the third respondent;

(iv) Absentee is clear that she does not want to go with her mother i.e., HCP petitioner;

(v) Absentee is clear that she was not illegally detained either by the third respondent or by anyone else;

(vi) Absentee says that she was staying in her relative's residence on her volition;

5. In the light of the narrative thus far, this Court is of the view that the absentee has to necessarily be lodged in a Home. This Court is informed that **Mariyalaya Child Home, No.29/57, Pedariyar Koil Lane, Bundar Rama Garden, George Town, Chennai – 600 001** would be suitable. Let the the absentee be lodged in this Home with intimation to the



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jurisdictional Child Welfare Committee or any other authority concerned in this regard. Though obvious, we make it clear that on attaining majority by 27.10.2023, it is open to the absentee to exercise her choice.

6.In the light of the narrative thus far, we drop the curtains on the captioned HCP and the same is disposed of as closed albeit with the aforementioned observations and directives.

(M.S., J.)

(R.S.V., J.)

07.08.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking / Non-speaking order
TK
PS: UPLOAD FORTHWITH

To

- 1.The Commissioner of Police
Vepery, Chennai – 600 007.
- 2.The Inspector of Police
W-18, M.K.B.All Women Police Station,
Chennai.
- 3.The Public Prosecutor
Madras High Court, Chennai.

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M.SUNDAR, J.
AND
R.SAKTHIVEL, J.

TK

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