



WEB COPY



H.C.P.No.2013 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM

THE HONOURABLE MR. JUSTICE **S.S. SUNDAR**
AND
THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

H.C.P.No.2013 of 2023

Devika

... Petitioner

Vs.

- 1.The Superintendent of Police,
Thiruvannamalai District.
- 2.The Inspector of Police,
All Women Police Station, Polur Taluk,
Thiruvannamalai District.
- 3.The Inspector of Police,
All Women Police Station,
Vellore Taluk, Vellore District.
- 4.The Child Welfare Committee,
Department of Social Welfare Defense,
Singatheertham Opp. Chengam Road,
Thiruvannamalai District.
- 5.Annai Sathya Varaverpu Illam
Singatheertham Opp., Chengam Road,
Thiruvannamalai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondent nos. 1 to 3 to produce petitioner's daughter namely Minor. Baby Priya, who is aged about 17 ½ years before this Court from the illegal custody of the respondent nos. 4 and 5 and hand over the detinue to the petitioner.



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For Petitioner : Mr.S.Sundaresan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind
for R1 to R3

ORDER

(Order of the Court was made by **SUNDER MOHAN, J.**)

The petitioner is the mother of the detinue. She has filed the instant petition stating that the detinue, a minor, is in the illegal custody of the fifth respondent herein at the instance of the fourth respondent; that the District Child Protection Officer, Thiruvannamalai lodged an online complaint on 25.08.2023 with the second respondent alleging that on 16.08.2023 she got an anonymous message that a child marriage was held between the detinue and one Sathish Kumar; that thereafter the fourth respondent took custody of the detinue and handed over the custody of the minor to the fifth respondent Home. The minor is in the custody of the fifth respondent Home since then.

2. Today, the detinue is produced before this Court. The detinue would state that though an attempt was made by her parents to get her married with one Sathish Kumar, no such marriage took place, though it appears from the letter of the fourth



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respondent to the second respondent dated 20.10.2023 that the detinue had stated earlier before the Child Welfare Committee that a marriage took place. She has now expressed her willingness to go with her parents who are present in Court. The parents would also state that no such marriage took place and they also undertake that they would not compel the detinue to get married before she attains 18 years.

3. The parents of the detinue appear to have spent substantial money and time to educate the detinue and at present the minor detinue is studying in college. It is in these circumstances we find that the wish and welfare of the minor detinue will be well served if she joins with her parents. The parents of the detinue had given an undertaking that they do their best to continue the education of the detenu and would not compel or perform the marriage of their daughter until she attains majority.

4. Recording the statement of the detinue that she is willing to go with her parents, this habeas corpus petition is closed.

(S.S.S.R., J.) (S.M., J.)
31.10.2023

Index : Yes / No
Neutral Citation : Yes / No
mmi



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Chengam Road,
Thiruvannamalai District.
- 6.The Public Prosecutor,
High Court, Madras.



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