



HCP(MD)No.40 of 2023

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DATED: 10.01.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.40 of 2023

Backiyalakshmi

.. Petitioner / Mother of the
Detenu

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Sub Inspector of Police,
Jaihindpuram (Law & Order) Police Station,
Madurai District.

3.Rakkappan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing to the first respondent to direct the second respondent to secure and produce the person or body of the petitioner's minor daughter, Arundhathi, daughter of Muneeswaran, aged



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about 17 years, before this Court and handed over the custody to the petitioner.

For Petitioner : Mr.A.Prasanna Rajadurai

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
for R1 and R2

ORDER

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

The mother of a minor girl, who is at verge of attaining majority is before this Court for seeking producing of her minor daughter who alleged to have been eloped with one Raja, the son of the third respondent belongs to the same village, but of different community. The respondent police has secured the girl and produced before this Court.



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2. The girl was enquired. She is pursuing her first year Under Graduation whereas the third respondent's son is a third year student in the same college. They were fallen love and eloped. Now, the respondent police has secured her and she is in a Shelter Home. Enquiry with the minor girl indicates that she is not inclined to go with the parents for reasons and requested the Court to allow her to stay in the Shelter Home till she attains majority and to take a decision of her own. The petitioner, who is the mother of the minor girl submits that because of elopement, there is a possibility of a communal riot in their village. The Court is of the view that the individual liberty is more important than the unreasonable communal pride of the villagers. To avoid any untoward incident in the name of honour to their community and taking into consideration the best interest of the minor girl, we accede to the request of the minor girl that she has to be safely placed under the custody of the Home till she attains majority and take decision of her own.

3. This Habeas Corpus Petition is dismissed with a direction to the Executive Director, Sakthi-Vidiyal Shelter Home, No.21, Kennet Nagar,



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Muthupatti, Madurai-625003, to keep the minor girl in their Home till she attains majority. Further, it is made clear that the petitioner herein shall not take any undue advantage of her parentage and disturb the peaceful existence of the minor girl except the right of visitation to the Home without causing any disturbance and with the consent of the minor girl.

[G.J.,J.] & [S.M.,J.]
10.01.2023

Index: Yes/No
Internet: Yes/No
PJJ

To
1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Sub Inspector of Police,
Jaihindpuram (Law & Order) Police Station,
Madurai District.

3.The Executive Director,
Sakthi-Vidiyal Shelter Home,
No.21, Kennet Nagar,
Muthupatti,
Madurai-625 003,
Tamilnadu.



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



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and
SUNDER MOHAN, J.**

PJL

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