



HCP(MD)No.203 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.203 of 2023

Ponthangam

.. Petitioner /Mother of the Detenue

Vs.

1.The Superintendent of Police,
Tuticorin District, Tuticorin.

2.The Inspector of Police,
Sipcot Police Station,
Tuticorin.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the body or person of the petitioner's daughter Hepsiba D/o. Raja aged about 19 years before this Court and set her at liberty.

For Petitioner : Ms.K.M.Priscilla Jancy

For R-1 and R-2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



WEB COPY



HCP(MD)No.203 of 2023

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present petition is filed for issuance of a writ of Habeas Corpus to produce the body or person of the petitioner's daughter, Hepsiba, D/o.Raja, aged about 19 years before this Court.

2. The petitioner is the mother of one Hepsiba, who had gone missing from 05.01.2023 from her house. Her complaint in this regard was registered in Crime No.8 of 2023 under “woman missing”. Since there was no progress in the investigation, the present Habeas Corpus Petition has been filed.

3. Admittedly, the petitioner's daughter is a major aged about 19 years. After filing of the Habeas Corpus Petition, the respondent Police had produced the detainee, namely, Hepsiba, before this Court on 10.04.2023, on which date, the following interim order came to be passed:

“The detainee girl, namely, Hepsiba, has been produced before us. She stated that though she



was born to the petitioner and her husband, namely, Raja, biological parents of the detenue, from the early childhood days, she had been living with her uncle (i.e.,) elder brother of the detenue's father. After some years of living there, she had been brought back by the biological parents to the parental home of the detenue where for over the years, she had been facing some issues with the parents, with the result, she left in the first week of January 2023 to Hosur where she accidentally met one Selvakumar who is the resident of Hosur along with his parents and who is also present before this Court and who deposed that he met the detenue on 05.01.2023 at Hosur bus stand and immediately, she was taken to his house and on the next day, she was admitted at Akshaya Women's Hostel at Hosur where a part time Warden job also had been given to her for the livelihood of detenue.

2. This position seems to have been continued for the past two to three months. In the meanwhile, both the detenue and Selvakumar fell in love and they are very firm that they can get married and they can live together.



WEB COPY



HCP(MD)No.203 of 2023

3. However, it is to be noted that the date of birth of Selvakumar is 04.07.2002. Therefore, he would complete 21 years only on 03.07.2023 and if at all any marriage has to be taken place between Selvakumar and the detenue as the detenue already crossed 18 years, that can be taken place only after 04.07.2023.

4. Though the parents of the detenue are present before this Court and they wanted to take the detenue with them, the detenue was very firm and stubborn that she would not go with her parents and she wants to go back to Hosur and stay at Akshaya Women's Hostel itself for the next few months till Selvakumar completes 21 years and thereafter, they will marry and lead a happy married life.

5. The aforesaid statements made by the detenue as well as Selvakumar and whose parents, who are also present before this Court, have been taken on record.

6. In order to further resolve the issue and taking note of the well being as well as security of the detenue girl, though she became a major, we feel



that till 04.07.2023, the detenue girl can be permitted to stay at Akshaya Women's Hostel, where she can continue the job of Warden which already she has taken for her livelihood. After 04.07.2023, the detenue shall be produced before this Court and on that date, the said Selvakumar and his parents also shall appear before this Court.

*7. For the aforesaid purpose, post the matter on **10.07.2023.**”*

4. In the background of the aforesaid order, Hepsiba and Selvakumar were present before this Court. We had spoken to the missing girl, who confirmed that she is continuing to stay at Akshaya Women's Hostel and only yesterday, she had gone to Selvakumar's house for the purpose of attending today's hearing. She also expressed that she intends to live with the said Selvakumar and that his parents have also accepted for such union.

5. Since the petitioner's daughter, who is a major, has taken conscious decision of her own and chosen to live with Selvakumar, the same cannot be termed to be an illegal custody.



HCP(MD)No.203 of 2023

WEB COPY

6. Accordingly, this Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
10.07.2023

NCC : Yes / No
Index : Yes / No
Lm / tsg

To

- 1.The Superintendent of Police,
Tuticorin District, Tuticorin.
- 2.The Inspector of Police,
Sipcot Police Station,
Tuticorin.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



HCP(MD)No.203 of 2023

M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

Lm / tsg

H.C.P.(MD)No.203 of 2023

10.07.2023