



H.C.P.(MD) No.218 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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P.Mahalakshmi

... Petitioner / Mother of the Detenue

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar.

3.Ramachandran

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detenue by name Thavapriya, D/o.Pandian, aged about 17 years before this Court and hand over her custody to the petitioner.



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For Petitioner : Mr.R.Prakash
For R1 & R2 : Mr.RMS.Sethuraman,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioner, seeking production of her daughter, namely, Thavapriya, aged about 17 years, has filed this Habeas Corpus Petition.

2.Today, the detainee girl, namely, Thavapriya, has been produced before this Court by the respondent Police.

3.The detainee has stated that her date of birth is 03.05.2006. Therefore, still she is minor. However, she left the parental home sometime in February, 2023 along with one Ramachandran, who belongs to the same place / 3rd respondent with whom, according to the detainee, she had gone to two different places at Andhra Pradesh, finally come to Tiruppur.



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4. Even though in the meantime, it was claimed that the said boy married this detainee girl, based on which though a First Information Report has been registered on 12.04.2023 by altering the Section from 'Girl Missing' to Section 9 of Child Marriage Act and 5(1) r/w 6 of POCSO Act 2012 and the investigation is on, the detainee girl would further submit that now, she realized that the case has been filed i.e., the present Habeas Corpus Petition by the mother of the detainee and now, she wants to go with the petitioner i.e., the mother of the detainee.

5. Recording the said statement made by the detainee, we feel that since the detainee is a minor girl, she must be allowed to go along with the petitioner, who is the mother and natural guardian of the detainee and therefore, she is permitted to go with the petitioner.

6. Insofar as the First Information Report registered against the boy, namely, Ramachandran / 3rd respondent herein under the aforesaid provisions of law, dated 12.04.2023 as stated by the respondent Police is concerned, let the investigation go on and it should reach its logical conclusion, according to the law, which is in force.



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7. With this observation, this Habeas Corpus Petition is closed.

(R.S.K., J.) & (K.K.R.K, J.)

17.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

2. The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar.

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



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