



H.C.P.(MD) No.422 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.422 of 2023

Mageshwari

... Petitioner / Mother of the Detenue

Vs.

1.The Superintendent of Police,
Kanyakumari District at Nagercoil.

2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the person or body of the petitioner's daughter, namely, K.Karthika, D/o.Kumaradhas, aged about 17 years and produce before this Court and entrust the custody of the detenue to the petitioner.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.RMS.Sethuraman,

Additional Public Prosecutor



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ORDER

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

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

2.The petitioner is the mother of the detainee, who left the parental home on 16.02.2023. Therefore, after giving a complaint, the present Habeas Corpus Petition has been filed.

3.Today, when the matter is taken up for hearing, the detainee has been produced before this Court. We enquired with her, who would submit that though she left the parental home on 16.02.2023, she had gone to Chennai to reside for sometime at one of her friends' house and as her date of birth is 26.03.2005, after she become major, she wanted to marry one Jenish with whom the detainee had developed love affair for sometime and the marriage, according to the detainee, between them was solemnized on 30.03.2023, for which a marriage agreement had also been executed and signed by both the persons and that has also been filed before this Court.



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4.The learned Additional Public Prosecutor appearing for the respondents has submitted that at the time the detainee left the parental home ie., on 16.02.2023 to 26.03.2023 since she was minor, other legal formalities, including medical examination have been conducted and since the detainee has become major and she claimed that she married the said Jenish, who is also 23 years old boy, the detainee has been produced before this Court for passing appropriate orders in this Habeas Corpus Petition, he contended.

5.The boy and his parents has also come before this Court and the detainee girl submitted that she does not want to go back to her parental home and she wants to live with the said Jenish as she claimed to have married him on 30.03.2023.

6.Recording the aforestated, we feel that this Habeas Corpus Petition can be closed, accordingly, it is closed.

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

12.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

MYR

To

- 1.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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