



H.C.P.(MD) No.625 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Asokan

... Petitioner / Father of the detenu

Vs.

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

2.The Inspector of Police,
Melur Police Station,
Madurai District.

3.Sankar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 & 2 to produce the person or body of the petitioner's minor daughter Harini, D/o.Asokan, aged about 17 years before this Court and hand over the custody to the petitioner.



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For Petitioner : Mr.S.Malaimuthan
For R1 & R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
For R3 : No Appearance

ORDER

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

The petitioner, seeking production of his minor daughter, namely, Harini, aged about 17 years, has filed this Habeas Corpus Petition.

2.Today, when the matter is taken up for hearing, the respondent Police has produced the detainee girl, namely, Harini.

3.Her date of birth is 27.02.2006. Therefore, still she is a minor. The detainee girl has stated before us that she had completed +2 and she has to join UG degree from this academic year. In the meanwhile, since she fell in love with the 3rd respondent, she has gone from the parental home. Now, she returned back and she wants to join in the college and continue her studies. Therefore, she wish to go with her parents, who have also come before this Court.



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4.We have recorded the statement made by the detainee girl and we find that she is not in illegal custody as of now.

5.However, the learned Additional Public Prosecutor for the respondents 1 and 2 submitted that since she is a minor girl, other formalities have to be complied with, for which medical examination has to be conducted. Therefore, both the detainee as well as her parents must co-operate for the same.

6.We have taken note of the said statement made by the learned Additional Public Prosecutor for the respondents 1 and 2.

7.Considering all these aspects, we are inclined to pass the following order:-

“Let the detainee girl be taken by the parents of the detainee girl and the parents of the detainee girl can take care of her well being. Insofar as the medical examination to be conducted on the detainee girl is concerned, the respondent



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Police can give necessary request and accordingly, make arrangements for the medical examination, for which both the detenue girl as well as her parents must co-operate.”

8.With these observations and directions, this Habeas Corpus Petition is closed.

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

12.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR

To

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

2.The Inspector of Police,
Melur Police Station,
Madurai District.

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

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R.SURESH KUMAR, J.
AND
K.K.RAMAKRISHNAN, J.
MYR

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