



H.C.P.(MD) No.710 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Murugammal

... Petitioner /mother of the
Detenue

Vs.

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

2.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.

3.Balasubramanian

...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 petitioner's daughter/detenue, namely, Jothilakshmi, D/o.Late Essakiappan, aged about 19 years and produce her before this Court and set her at liberty.



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For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.RMS.Sethuraman,

Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed to direct the respondent Nos.1 and 2 to produce the petitioner's daughter, namely, Jothilakshmi, daughter of Late Essakiappan, aged about 19 years, before this Court and set her at liberty.

2. Today, when the matter is taken up for hearing, the respondents Police has produced the detainee girl. She stated that she fell in love with the third respondent and that was not liked by the parents of the detainee girl and therefore, she left the parental home on 29.05.2023 and claimed to have married the third respondent on 30.05.2023. Thereafter, she appeared before the second respondent Police Station where both the detainee as well as third respondent boy had given separate statement.



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3. In the statement, the detainee girl has stated that she has completed 18 years and therefore, she became eligible to marry.

4. However, in the statement given by the third respondent, his age has not been mentioned.

5. Today, when we asked the detainee girl as well as the third respondent boy, they stated that the date of birth of the detainee girl is 21.04.2004 and the third respondent's date of birth is 30.08.2002.

6. Therefore, it has become clear that, insofar as the third respondent boy is concerned, he has not completed 21 years even as on today. Therefore, any marriage said to have been performed or conducted between these two on 30.05.2023 is a void marriage, and therefore, based on which, the detainee girl cannot claim cohabitation with the third respondent as of now.

7. The petitioner's mother is also present before this Court. She wants to take the detainee girl and the detainee girl has also agreed that as of



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now, she wants to go with her mother and after the third respondent boy becomes major, the detainee girl and the third respondent as well as their respective families would sit together and decide the future course of action in accordance with law.

8. Recording the aforesaid, we close this Habeas Corpus Petition.

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

19.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

ssb



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To

- 1.The Commissioner of Police,
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Tirunelveli District.
- 2.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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