



H.C.P.(MD) No.722 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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V.Mariyappan

... Petitioner / Father
of the detenue

Vs.

1.The Superintendent of Police,

Office of the District Superintendent of Police,

Tirunelveli District,

Tirunelveli.

2.The Inspector of Police,

Seevalaperi Police Station,

Tirunelveli District.

3.Mano

... Respondents

1/6



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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 namely, Minor Murugavalli (15 years) D/o.Mariyappan before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.P.Singaravel

For Respondents : Mr.RMS.Sethuraman - for R1 & R2

Additional Public Prosecutor

ORDER

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

The petitioner, seeking production of his daughter namely, Minor Murugavalli, has filed this Habeas Corpus Petition.

2. Today when the Habeas Corpus Petition is taken up for hearing the respondent police has produced the detenu girl who has stated



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before us that she left the parental home on 19.05.2023 and married the third respondent with whom she claimed to have fell in love. Thereafter, it is the further claim of the detenu girl that she has been with the third respondent at their house for about a month.

3. In this context, the respondent police having enquired both, has registered a case under Section 5(1) read with 6 of POCSO Act and Section 9 of Protection of Child Marriage Act, 2006 and the investigation is on.

4. In the mean while, the learned Additional Public Prosecutor submits that the detenu girl has already been placed at a home and the medical examination of the girl has already been over. For medical examination with regard to third respondent boy is concerned request is made before the concerned Court.

5. We have recorded the said statement of the detenu girl as well as the submission made by the learned Additional Public Prosecutor appearing for the respondent police.



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6. In view of the above, since case has already been registered as stated supra and investigation is on at the hands of the respondent police and the detenue girl is already placed at the home, we feel that she is not in illegal custody as of now. Therefore, while we close this Habeas Corpus Petition, also direct the respondent police to speed up the investigation and file a charge sheet at the earliest.

7. With these directions, the Habeas Corpus Petition is closed.

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

20.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

RM



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