



HCP(MD)No.753 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.753 of 2023

A.Ganesh Pandian

.. Petitioner

Vs.

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

2.The State Rep. by
The Inspector of Police,
Arimalam Police Station,
Pudukottai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents particularly the 2nd respondent to produce the person or body of the detenue or her corpus namely Abitha, D/0.Ganesh, who is the petitioner's wife aged about 21 year she is permanently residing at Arimalam, Pandian Street, Thirumayam Taluk, Pudukottai District and subsequently produce her before this Court and later set him at liberty to the petitioner forthwith.



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For Petitioner : Mr.K.Prabakaran
For Respondents : Mr.RMS.Sethuraman,
Addl. Public Prosecutor
Mr.M.Mohaboob Athiff,
for Detenue

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

When Ms.Abitha, (born on 01.12.2002 and now aged about 21 years) went missing on 18.05.2023 from the house, her father, Thiru.Ganesh had lodged a complaint before the second respondent police, to trace her whereabouts. Accordingly, Ms.Abitha was secured on 26.05.2023 by the second respondent. There, she had given a statement that she would reconcile with her parents and would continue her final year B.Com. Degree at Sri Bharathi Arts and Science College. It is in this background that the said Abitha had rejoined her parents.

2. The petitioner herein claims that he is in love with Ms.Abitha and therefore, they had eloped to Andhra on 19.05.2023 and got married in Amman Temple at Mangalapuram in Andhra Pradesh on 20.05.2023 and



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started living in a rental apartment. Since the second respondent police had secured the physical custody of Ms.Abitha and gave her custody to her parents, he has filed the present Habeas Corpus Petition.

3. On our instructions, the second respondent herein had produced the girl Abitha and we had an interaction with her. The girl stated that she had indeed married the petitioner herein in the temple and that she wanted to live with him and not with her parents. We have taken into consideration that the petitioner intends to complete her education and that right now she is in the final year of B.Com. and that she intends to take her supplemental examination in the month of November, 2023. In this background, we are of the view that if the girl's custody is temporarily placed in a safety home recognised by the Government for the present, till she completes her education, by taking note of the fact that she is a major and did not want to rejoin her parents, the ends of justice could be secured. On completion of her education it would be open to her to take a decision as to whether she intends to reconcile with her parents or her husband.



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4. In this background, the second respondent herein is called upon to ensure that the petitioner is safely put in the home of “M/s.St.Patrick Isaac Home for the Hope, Back side of Sirungeri Mutt, Bypass Road, Madurai” forthwith, in any event by today (i.e., 17.07.2023). In case, any expenses are involved for the care and custody of the said Abitha, the petitioner shall bear the same.

5. In view of this order being passed, no other orders are required on the prayer sought for in the present Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition stands closed. It is needless to point out that the parents of the said Abitha, as well as the petitioner, would have the rights to visit her in the aforesaid home.

(M.S.R.,J.) (M.N.K.,J.)
17.07.2023

NCC : Yes / No
Index : Yes / No

vsm/yuva

Note: Issue order copy today (i.e., 17.07.2023)



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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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and
M.NIRMAL KUMAR,J.

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