



HCP(MD)No.1001 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.09.2023

CORAM

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

H.C.P.(MD)No.1001 of 2023

P.Kalaivani

.. Petitioner / Mother of
the Detenu

Vs.

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

2.The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.248 of 2023)

3.Surya

4.Royal @ Chinnaya

5.Selvi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondent Nos.1 and 2 herein to produce the body or person of the detenue by name P.Rathimeena,



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D/o.Pandi, aged about 16 years, who has been illegally detained by the respondents 3 to 6 and produce her before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.S.S.Sundarapandian

For Respondents : Mr.RMS.Sethuraman
Addl. Public Prosecutor

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

When the petitioner's daughter Rathimeena, born on 26.09.2006 and aged about 17 years, had gone missing from 27.07.2023, her complaint before the second respondent police was registered in Crime No.248 of 2023, initially under the caption “girl missing”. Since the petitioner's daughter could not be traced within a reasonable time, the present Habeas Corpus Petition has been filed.

2. Today, when the matter was called, the second respondent herein had produced the petitioner's daughter before us. It is brought to our notice that the petitioner's husband is employed as a Driver in Singapore and that



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she has to reside alone with her daughter and therefore, apprehends that some harm might be caused by the third respondent or his family members.

3. According to the learned Additional Public Prosecutor, the girl had eloped with the third respondent herein, who was aged about 22 years and claimed to have got married to him. Accordingly, the offence in Crime No. 248 of 2023 came to be altered to Sections 5(l) and 6 of POCSO Act and Section 9 of Child Marriage Act.

4. We had interacted with the girl as well as the petitioner herein. The girl expressed that she intends to reconcile with her parents and live with them. The petitioner also agreed to give care and protection to her daughter. The second respondent police have already registered a case against the third respondent and the investigation is in progress.

5. In view of the statement made by the petitioner as well as her daughter that they intend to reside together, no further orders are required in this Habeas Corpus Petition. However, whenever, the petitioner or her



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daughter apprehend any threat or harm to their life and liberty, they are at liberty to approach the second respondent police seeking for protection and necessary action and on receipt of such complaint / representation in this regard, the second respondent shall extend the necessary protection to them.

6. Accordingly, the Habeas Corpus Petition stands closed.

(M.S.R.,J.)

(M.N.K.,J.)

21.09.2023

NCC : Yes / No
Index : Yes / No
vsm



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

vsm

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