



HCP(MD)No.1626 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2023

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.1626 of 2022

M.Divyabharathi

.. Petitioner

Vs.

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

2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

3.Niranjan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the second respondent to secure the detenu and produce the person or body of the detenu, viz., Vaishnavi, D/o.Sivamurugan, aged 17 years before this Court and handover the custody of the detenu to the petitioner forthwith illegally detained by the third respondent.



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For Petitioner :Mr.M.S.Senthil Kumar
For R1 & R2 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

DR G.JAYACHANDRAN,J.
and
K.K.RAMAKRISHNAN,J.

The mother of the minor girl is before this Court seeking issuance of writ of habeas corpus to produce the minor girl, who went missing since 08.09.2022. The police has now traced the girl, who has eloped with one Niranjan, the third respondent herein and produced the minor girl before this Court.

2. The minor daughter of the petitioner wants to go with the Niranjan whom she claim to have married. She is presently 5 months pregnant. Her mother/petitioner also present before this Court and heard what her daughter said. Since the minor girl is not willing to go with the mother, but want to go with the third respondent, we are not able to give the custody of the minor girl to the petitioner. However, she being a minor she cannot be



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allowed to go with the third respondent. Therefore, the minor girl shall be retained in the Home till she attains majority. The respondent police states that the complaint has already been altered and the third respondent is absconding.

4. In view of the fact that the girl is 17 years and 2 months old carrying foetus of 5 months old and also not inclined to go with the mother, this Court directs the Home authorities to take care of the minor girl for safe delivery and till she attains majority. After attaining majority, it is for the girl to take a decision.

5. Accordingly, this habeas corpus petition is closed.

(G.J.,J.) (K.K.R.K.,J.)
20.02.2023

Index :Yes/No
Internet:Yes/No
NCC :Yes/No
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Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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