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H.C.P.(MD) No.1387 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

H.C.P.(MD) No.1387 of 2023

Murugan

... Petitioner

-VS-

1.The Commissioner of Police
Tirunelveli City

2.The Inspector of Police
Melapalayam Police Station
Tirunelveli District

3.Prasanth

4.Arumugam

... 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 of the detenu or in person namely, Esther Rani, daughter of Murugan, aged about 17 years, who is illegally detained under custody of the fourth respondent before this Court and hand over the custody to the petitioner forthwith.



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For Petitioner : Mr.S.S.Sundarapandian

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R1 & R2

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

This habeas corpus petition has been instituted to direct the respondents 1 & 2 to produce the minor detainee, aged about 17 years, before this Court.

2. Pursuant to the investigation conducted by the second respondent / Inspector of Police, Melapalayam Police Station, it was found that the detainee is voluntarily staying in the house of the fourth respondent along with his son / third respondent. The respondent – Police secured the minor girl from the residence of the fourth respondent and produced her before this Court.

3. We enquired the minor detainee, who is staying in the house of the fourth respondent voluntarily and we could able to find out that no marriage has been solemnized between her and the third respondent. The



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father of the minor detenue is ready to take the minor girl with him and he made a submission that he will allow the minor detenue to continue her studies in the IRT Government Polytechnic College. The detenue is pursuing first year diploma course and she has to study two more years to complete the diploma course. The detenue, though a minor, is capable of understanding what is good and bad for her life and promised before us that she will complete her studies and after securing employment, she will decide her future marital life. The father of the minor detenue has also agreed that he will take care of the minor detenue and provide better education for her upliftment.

4. We are of the opinion that the minor detenue should be sent along with his father, who is present before this Court, enabling the detenue to pursue her education for betterment of her future life.

5. We have requested Mr.D.Sadiq Raja, learned Additional Government Pleader, to contact the Principal of the IRT Government Polytechnic College, to allow the minor detenue to continue her diploma course in the said College, since the minor detenue has already received



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transfer certificate from the College. Therefore, the College may be instructed by the learned Additional Government Pleader to allow the minor detainee to continue her studies in the said College.

6. In view of the fact that the minor detainee has agreed to join with her parents and the father of the minor detainee, who is present before this Court, has agreed to allow her to continue her education, no further adjudication is required in this habeas corpus petition.

7. Accordingly, the habeas corpus petition is disposed of.

[S.M.S., J.] [V.L.N., J.]
20.12.2023

Index : Yes / No
Internet : Yes / No

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To:

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



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S.M.SUBRAMANIAM, J.
and
V.LAKSHMINARAYANAN, J.

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