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HCP.No.2560 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM

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

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2560 of 2023

Sardhani Begam

.. Petitioner

Vs.

1.The Superintendent of Police,
Krishnagiri District.

2.The Inspector of Police,
AWPS, Hosur.

3.The Chair Person,
The Child Welfare Committee,
Londenpet, (Near bus stand),
Krishnagiri District.

4.Nausath

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, to direct the respondents 1 and 2 to produce



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the petitioner's daughter namely Mubintaj, aged about 17 years, before this Court and handover to the petitioner.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R1 to R3

Mr.V.Sundarraman for R4

ORDER

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

The petitioner herein is the mother of the alleged detainee and the fourth respondent is her father. Claiming that the fourth respondent has illegally detained her minor daughter, she has filed the present Habeas Corpus.

2. When the petitioner herein had earlier filed a petition in G.W.O.P.No.1 of 2018, the same came to be dismissed on 12.03.2021 with certain observations that the custody of the minor child would not be



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conducive with the mother.

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3. The petitioner's daughter was born on 18.06.2006 and is now a major. Earlier, when the Habeas Corpus Petition was taken up for hearing, it was brought to our notice that the girl was under the care of custody of Vallalar Home, Dharmapuri and hence we had directed the respondent police to secure the girl from the home and produce her before us, through an interim order passed on 31.01.2024. Pursuant to the said order, on 26.03.2024, the girl was produced before us and when we had interacted with her, she expressed that she does not want to live with her father and intends to reconcile with her mother. She also expressed that she does not want to stay in the home. We had taken note of the fact that the girl was at the verge of becoming a major at that relevant point of time and by respecting her wishes, we had granted interim care and custody of the minor girl to the mother / the petitioner herein.



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4. Today, when the matter was called, the learned Additional Public

Prosecutor submitted that the minor girl had eloped from her mother's custody and had married one Shahul Hamid, aged about 23 years on 28.06.2024 at Krishnagiri. The girl is present before us who stated that she is now living with her husband. Since both the petitioner's daughter as well as her husband are majors and are legally wedded, her choice to live with her husband, cannot be termed to be illegal. Hence, no further orders are required in the present petition.

5. Accordingly, this Habeas Corpus Petition stands closed.

(M.S.R.,J.) (S.M.,J.)
01.07.2024

NCC : Yes / No
Index : Yes / No
Anu



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To
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1.The Superintendent of Police,
Krishnagiri District.

2.The Inspector of Police,
AWPS, Hosur.

3.The Chair Person,
The Child Welfare Committee,
Londenpet, (Near bus stand),
Krishnagiri District.

4.The Public Prosecutor,
Madras High Court



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M.S.RAMESH,J.
and
SUNDER MOHAN,J.

Anu

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