



H.C.P.(MD) No.413 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

H.C.P.(MD) No.413 of 2024

Chinnammal

... Petitioner

-VS-

1.The Superintendent of Police,
Office of the District Superintendent of Police
Tiruchirapalli District

2.The Inspector of Police,
Vaiyampatti Police Station,
Tiruchirapalli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the second respondent to produce the petitioner's daughter (xxxx), aged about 15 years before this Court and hand over custody to her.

For Petitioner : Mr.Krishnasamy Palanisamy
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor



H.C.P.(MD) No.413 of 2024

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ORDER

**A.D.JAGADISH CHANDIRA, J.
and
K.RAJASEKAR**

Contending that the minor daughter (xxxx) aged 15 years was missing and that apart from registration of a case in Crime No. 86 of 2024 on 23.03.2024 on the file of the second respondent, no further action has been taken, the petitioner has filed the present Habeus Corpus Petition.

2. When the matter was taken up for admission on 02.04.2024, the learned Additional Public Prosecutor took notice for the respondents and pursuant to the same the alleged victim/ detainee was produced before this Court.

3. The learned counsel appearing for the petitioner would submit that after admission of the Habeus Corpus Petition, the petitioner received information that one Balachandran, S/o. Perumal had abducted her daughter and with the help of his family members he had also performed a child marriage with her daughter. He would further submit that the family



H.C.P.(MD) No.413 of 2024

WEB members of the said Balachandran had circulated marriage photos through whatsapp and that they have also threatened the petitioner to withdraw the case in Crime No.86 of 2024. He would further reiterate that the alleged detainee is only 15 years and illegal child marriage has been performed and there is a possibility of the child having been subjected to further relationship.

4. Learned Additional Public Prosecutor would submit that based on the complaint, a search was conducted and during such time one Indira W/o.Packiyaraj had produced the victim/alleged detainee before the police and the respondent police also recorded statement from the victim/alleged detainee, wherein she had stated that she had completed 7th standard and thereafter she was grazing cattle and her parents compelled her to marry against her wish, thereby she, on her own volition, left the home on 22.03.2024 and she had gone to her aunt Indira's house at Manaparai and the said Indira is also present before this Court.

5. Though the said Indira claims to be relative of the said detainee, during enquiry this Court found that she is not a relative of the detainee and she is cousin sister of Eswari, mother of said Balachandran . Further



H.C.P.(MD) No.413 of 2024

WEB COUNCIL

the said Indira divulged that her cousin sister Eswari and her husband have handed over the child to her to produce before the second respondent pursuant to which she has produced the girl before the police station

6. From the perusal of the statement and the photo produced, this Court finds that the child has been subjected to child marriage and as such further investigation is required in this case. Further this Court finds that till date, the respondent police have not altered the provisions in the case.

7. The second respondent is directed to produce the victim/alleged detainee before the Child Welfare Committee, Trichy District and he shall continue with further investigation the case in Crime No. 86 of 2024 in accordance with law.

8. The petitioner is directed to approach the Child Welfare Committee, Trichy regarding further the custody of the child by filing necessary application and the Child Welfare Committee shall pass orders regarding custody after enquiry.



H.C.P.(MD) No.413 of 2024

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9. With the above observation, this Habeas Corpus Petition is closed.

10. Before parting with, this court, on enquiry, found that there is an alarming rise in the number of child marriages in the remote rural villages particularly in Trichy, Ariyalur and Perambalur District, which, we are of the view that probably due to lack of awareness. Therefore, the District Legal Services Authorities concerned are directed to conduct awareness programs in those areas to prevent the same.

[A.D.J.C., J.]

[K.R.S., J.]

08.04.2024

NCC : Yes / No

Index : Yes / No

Internet: Yes / No

aav

Note:

1) Issue order copy today

2) Registry is directed to mark the copy of the order to the District Legal Services Authority of Trichy, Ariyalur and Perambalur Districts.

To:

1.The Superintendent of Police,
Office of the District Superintendent of Police
Tiruchirapalli District

2.The Inspector of Police,

5/7



H.C.P.(MD) No.413 of 2024

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Vaiyampatti Police Station,
Tiruchirapalli

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P.(MD) No.413 of 2024

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AND
K.RAJASEKAR, J.

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H.C.P.(MD) No.413 of 2024

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