



H.C.P.(MD) No.537 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2024

CORAM:

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

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Jasteen

... Petitioner

-VS-

- 1.The Superintendent of Police
Office of the Superintendent of Police
Virudhunagar District
- 2.The Deputy Superintendent of Police
Office of Deputy Superintendent of Police
Virudhunagar, Virudhunagar District
- 3.The Inspector of Police
Virudhunagar West Police Station
Virudhunagar District
- 4.Muthuraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 3 to produce the person or body of the petitioner's minor daughter by name Abinaya, daughter of Jasteen, aged 16 years, before this Court and hand over the custody of the detainee to the petitioner.



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For Petitioner : Mr.R.Alagumani

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner has filed this habeas corpus petition seeking a direction to the respondents 1 to 3 to secure his minor daughter, namely, Abinaya, aged 16 years, produce her before this Court and set her at liberty.

2. The case of the petitioner is that his minor daughter / detainee was born on 13.03.2008 and she has completed 11th Standard in Kshatriya Girls Higher Secondary School. On 21.04.2024, his daughter went to attend her friend's marriage, but, she did not return back to home. Despite search, he was unable to find out the whereabouts of his daughter and later, during enquiry, he came to know that the fourth respondent had abducted his minor daughter and thereby, he had lodged an online complaint on 23.04.2024, pursuant to which a case in Crime No.87 has been registered for girl missing. However, the respondent – Police have not taken any steps to secure his minor daughter. Therefore, he has filed this habeas corpus petition.



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3. This habeas corpus petition is listed today for admission.

4. Mr.RMS.Sethuraman, learned Additional Public Prosecutor, takes notice for the respondents 1 to 3.

5. The third respondent has produced the detainee before this Court.

6. Learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, would submit that based on the online complaint given by the petitioner, a case in Crime No.87 of 2024 has been registered by the third respondent – Police. During enquiry, it came to light that the fourth respondent had abducted the detainee and had taken her to his house and that with the aid of his parents, a child marriage had been performed at Sirumalai Church and on coming to know about the child marriage, the case has been altered to one under Sections 9 & 10 of the Prohibition of Child Marriage Act, 2006 and Section 5(l) r/w Section 6 of the the Protection of Children from Sexual Offences Act, 2012. Now, the detainee is kept in M.M.S.S.S.Home at Virudhunagar. Further, the case in Crime No.



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87 of 2024 has now been transferred to the file of the All Women Police Station, Virudhunagar, and that the investigation is going on and the respondent – Police will take necessary steps to produce the detainee before the Child Welfare Committee, Virudhunagar District, for further course of action.

7. The detainee is produced before this Court. We enquired her. On enquiry, she submitted that she is aged about 16 years and that she fell in love with the fourth respondent, who is a distant relative and that she went along with him.

8. Taking into consideration of the facts that the detainee is a minor and she has been abducted by the third respondent and that now the case in Crime No.87 of 2024 has been altered to one under Sections 9 & 10 of the Prohibition of Child Marriage Act, 2006 and Section 5(l) r/w Section 6 of the the Protection of Children from Sexual Offences Act, 2012, the third respondent is directed to produce the detainee before the Child Welfare Committee, Virudhunagar District, for taking further course of action in accordance with law.



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9. With the above direction, the habeas corpus petition is disposed of.

[A.D.J.C., J.] [K.R.S., J.]

30.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.
- 2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 3.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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