



H.C.P.No.773 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.773 of 2025

T.Mamtha

...Petitioner

vs.

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

2.The Inspector of Police,
Sholingur Police Station,
Sholingur, Ranipet District.

3.Suban

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Habeas Corpus, directing the 1st & 2nd respondents to produce the petitioner's minor daughter Miss.Sakshi, daughter of Tulichander, aged about 17 years before this Court from the illegal custody of the 3rd respondent and hand over her to petitioner.



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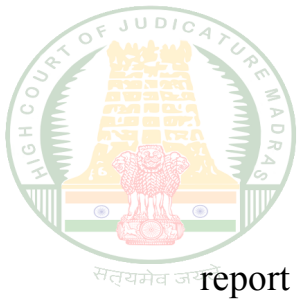
For Petitioner : Mr.K.G.Senthil Kumar
For R1 & R2 : Mr.E.Raj Thilak,
Additional Public Prosecutor
For R3 : Mr.K.Dhanasekar

ORDER

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

The petitioner's daughter, namely Sakshi, was assisting her mother in a shop selling pani puri. On 04.02.2025, at about 07.30 P.M., the petitioner's daughter had gone missing, in connection with which, she had given a complaint before the 2nd respondent-Police, which was registered in F.I.R.No.77 of 2025 under the caption 'woman missing'. In the said complaint, the petitioner had recorded her daughter's age as 20 years.

2. When the 2nd respondent had secured the petitioner's daughter and produced her before the jurisdictional Magistrate, along with her Aadhar Card and School Certificate, for the purpose of closing the complaint, the learned Magistrate had taken note of the date of birth mentioned in the School Certificate as 02.02.2008 and since she was a minor, the closure



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report was not accepted. In the mean time, the present Habeas Corpus Petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner's daughter was only 17 years old and therefore would not be in position to take a decision with regard to her choice of place of custody. Since the petitioner is her biological mother, the learned counsel sought for handing over the custody to the petitioner/mother.

4. The learned Additional Public Prosecutor submitted that there are discrepancies in the description of the age of the petitioner's daughter and therefore sought for this Court's intervention.

5. There are certain substantive discrepancies with regard to the age of the petitioner's daughter. While the complaint given by the petitioner itself states that the petitioner's daughter is 20 years old, the date of birth in her Aadhar Card is shown as 02.02.2005 (20 years). However, in her School Leaving Certificate, her date of birth is shown as 02.02.2008 (17 years).

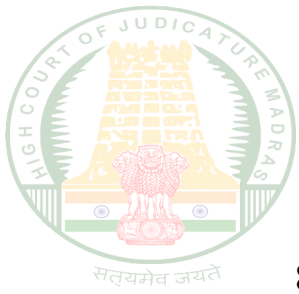


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6. In view of these discrepancies, we had subjected the petitioner's daughter to undergo Medico-legal examination. The medical examiners at Walaja Hospital, Ranipet District, have conducted a detailed examination, the report of which has been produced before us. In the said report dated 26.06.2025, the examining Doctor, as well as the Dentist attached to the Walaja Hospital, have certified the petitioner's daughter to be above 18 years of age.

7. We had interacted with the petitioner, as well as her daughter. According to the petitioner's daughter, though she does not know her exact date of birth, she claims to be above 18 years of age. Since the medical report also opines that she is above 18 years of age, we asked for her choice of residence, to which she replied that she intends to live with the 3rd respondent herein, whom she claims to have married. The petitioner, on the other hand, claimed custody and since her daughter refused to go with her mother, the petitioner requested this Court to hand over her custody to a Government Home, instead of sending her with the 3rd respondent.



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8. Since there was a serious discrepancy in the age between the petitioner's complaint and the Aadhar Card of the petitioner's daughter, *vis-a-vis*, the School Certificate, we are inclined to accept the Medico-legal examination report submitted by the Walaja Hospital, Ranipet District, certifying her to be above 18 years of age. Since the petitioner's daughter is a major and has expressed her willingness to live with the 3rd respondent herein, we agree with her wishes.

9. In the light of the above findings, the petitioner's daughter is set forth at liberty to live with the person of her choice. Consequently, the complaint registered in F.I.R.No.77 of 2025 on the file of the 2nd respondent herein is directed to be closed through due procedure of law.

10. Accordingly, the Habeas Corpus Petition stands disposed of. No costs.

[M.S.R, J.]

[V.L.N, J.]

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Index: Yes/No

Speaking order/Non-speaking order

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

hvk

To

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

2.The Inspector of Police,
Sholingur Police Station,
Sholingur, Ranipet District.

3.The Public Prosecutor,
High Court, Madras.

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