



H.C.P(MD) No.765 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

H.C.P(MD)No.765 of 2025

T.Yogambal

... Petitioner/
Mother of the detenu

-Vs-

1.The Chairperson,
District Child Welfare Committee,
Collectorate Campus,
Theni.

2. The Dean,
Theni Medical College and Government Hospital,
Theni.

3. The President,
Government Reception Home,
No.16, Shanthi Nagar,
Chinnathirupathi,
Salem.

4. State Rep. by,
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.

.. Respondents



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PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 4th respondent to secure and produce the body or person of the detenue namely, Minor Santhiya, D/o Thangapandi, aged about 16 years, before this Court and entrust the detenue's custody to the petitioner.

For Petitioner : Mr.S.Vikram

For Respondents : Mr.B.Nambi Selvam
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This petition has been filed by the petitioner seeking for a direction to direct the respondents to produce the person or body of the petitioner's minor daughter namely xxxxx, aged about 16 years, D/o.Thangapandi, before this Court and to entrust her custody to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

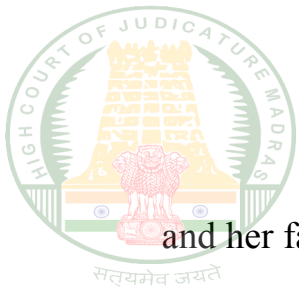
3. The case of the petitioner is that the petitioner is the mother of the minor girl xxxxx, aged 16 years. The petitioner's daughter had developed love



affair with one Sarathkumar and without the knowledge and permission of the petitioner, her daughter had married the said Sarathkumar. Now the petitioner's daughter had become pregnant. The respondents have registered a case against the said Sarathkumar, his parents and also the present petitioner as if they arranged for child marriage. Thereafter, the custody of the child was taken by the District Child Protection Officer and pursuant to the order passed by the Child Welfare Committee, Theni District, the child has been kept at Binda Unit-II Under Life Line Trust, No.9, Rajaganapathi Nagar, Sri Tiruchendur Murugan Illam, Jayaram College Near, Chinnatirupathi, Salem- 636 008.

4. The petitioner had met her daughter at the above centre. During such time her daughter had expressed her desire to go along with the petitioner, whereas the respondents have denied permission to the petitioner to take her daughter back with her and thereby this petition has been filed seeking to produce the body or person of the petitioner's minor daughter.

5. The learned counsel for the petitioner would submit that the petitioner's minor daughter fell in love with one Sarathkumar and without the petitioner's knowledge she got married with the said Sarathkumar and she had become pregnant. The respondents have registered a case against the petitioner



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and her family members as if they had arranged for child marriage. Now the minor girl is kept at a Home in Salem and despite the child's request and desire to go along with the petitioner, the respondents are not allowing the petitioner to take her child back, hence, she filed the present petition.

6. Per contra, the learned Additional Public Prosecutor would submit that based on the complaint given by the Extension Officer of the Social Welfare Department of Mayiladumparai Panchayat Union, a case in Crime No.119 of 2025 was registered under Sections 87, 127(4) of the BNS, 2023 and Section 9 of the Prohibition of Child Marriage Act r/w Section 5(l)5(j)(ii) and 17 r/w Section 6 of the Protection of Child from Sexual Offences Act, 2012. As per the complaint, the petitioner along with her relatives had performed child marriage for the minor girl with one Sarathkumar due to which, the said girl had become pregnant. The minor girl along with her husband had gone to the Primary Health Centre and based on the intimation given by the village nurse, the complaint has been given and a case has been registered. Since the petitioner and her family members were arrayed as accused, fearing that they would harm the minor girl, she was taken to Salem and she has been kept at the Home now. Earlier, the Superintendent of the Home, based on the medical advice, had informed that it would not be conducive to take the minor girl all the way from Salem to Theni. Thereby, they refused to give



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permission to take the minor girl. Pursuant to the directions of this Court, a report has been received from the Medical Officer at Salem. After seeing the minor girl, she has given a report stating that patient can travel and there is no obstetric contraindication for travel and the Doctors have also suggested that if she is travelling by own vehicle can take sufficient rest and that the minor girl has to be ambulated and adequate hydration should be ensured. He would further submit that the girl, though expressed her willingness to go along with her mother, had refused for aborting the child and since the petitioner being the mother and taking into consideration the present state, the respondents have no objection in allowing the minor daughter of the petitioner to go along with the petitioner.

7. In view of the above, a direction is issued to the third respondent to handover the custody of the minor girl to the petitioner. The petitioner shall ensure the safety of the minor girl. Further we direct the Child Welfare Officer, Theni District and the Extension Officer of the Social Welfare Department of K.Mayiladumparai Panchayat Union to monitor the health and safety of the minor girl periodically.



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8. With these observations, this Habeas Corpus Petition stands disposed

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[A.D.J.C., J.] & [R.P., J.]
28.07.2025

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

PJL

Note:Issue order copy on 28.07.2025

To

- 1.The Chairperson,
District Child Welfare Committee,
Collectorate Campus,
Theni.
2. The Dean,
Theni Medical College and Government Hospital,
Theni.
3. The President,
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No.16, Shanthi Nagar,
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4. The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.

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



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A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

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