

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI  
&  
THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN  
WRIT PETITION No.30800 of 2024**

**ORDER (Per Ravi Nath Tilhari, J) :**

Heard, learned counsel for the petitioner and Sri.T.VishnuTeja, the learned Special Government Pleader, attached to the learned Advocate General Office, for the respondents.

2. This writ petition for Habeas Corpus is filed by the petitioner for a direction to the respondents to produce the girl namely, BaalinaSrivalli, D/o Baalina Rama Krishna (hereinafter called the 'detenu') before this Court and to set her free.

3. The detenu was produced before this Court, physically on 27.12.2024. She was permitted to appear virtually for today. Today, when the matter was called at 02.15 pm, the detenu was present virtually. She was accompanied by Mrs.S.Pavani, Outreach Worker, KandukuriVeerasingam State Home, Rajamahendravaram, East Godavari District, and Mrs.VekaRamalakshmi, Women P.C.1261, Karukonda Police Station.

4. Sri.T.VishnuTeja, the learned Special Government Pleader, attached to the learned Advocate General Office, submits that the birth certificate, annexed by the petitioner, of the detenu at page 22 of the petition is correct and genuine document. In the said certificate, the date of birth of the detenu is recorded as 04.12.2006. The date of registration is 06.12.2006. He has also produced before us, the birth register in original, in which, the date of birth of detenu is recorded as 04.12.2006.

5. The respondents have filed a memo dated 28.12.2024, annexing therewith a copy of the same birth register certificate and also the certificate issued by Chaitanya Nursing Home to the Registrar, Births and Deaths, Rajamahendravaram Municipal Corporation, mentioning therein about the birth of the detenu in the said Nursing Home on 04.12.2006, and its intimation sent to the registrar along with supporting documents i.e copies of relevant page numbers of register/book of admission in Nursing Home, and date of operation etc.

6. In this view of the matter, it is evident that the date of birth of the detenu is 04.12.2006 and she has attained majority on 03.12.2024.

7. Along with the memo, some other documents, as entries of the school, and SSC certificate have also been filed. The learned Special Government Pleader submits that the entries in those documents were made pursuant to the information given by the parents/father in at the time of admission in school.

8. Be that as it may, in view of the Birth certificate and the documents as mentioned in paras 4 and 5 (supra), it is established that the detenu is major.

9. The detenu, states that she wants to live with her husband namely AynaparthiChanti Raju, the son of the petitioner. She refuses to go to the parent.

10. In connection with the FIR, lodged by the mother of the detenu in the same incident in Cr.No.300 of 2024 for the offence punishable under Section 87 of B.N.S and Section 9 of Prohibition of Child Marriage Act, 2006, against the petitioner's son, (husband of the detenu), the son of the petitioner is in judicial custody for 15 days vide order dated 21.12.2024 and is imprisoned at Central Jail, Rajahmundry.

11. The detenu under the circumstances expressed her willingness to go to the petitioner (father-in-law) to reside with him.

12. Learned counsel for the petitioner submits that the petitioner is ready to take the detenu to his house.

13. Recording the above submission, this Court directs the respondents to set the detenu free.

14. The detenu is presently with the KandukuriVeesalingam State Home, Rajamahendravaram, East Godavari District in the custody of Mrs.S.Pavani, Outreach Worker. The said State Home and the respondent No.4, shall ensure that the detenu, safely reaches to the petitioner's house, in police custody.

15. Accordingly, this writ petition of Habeas Corpus is allowed in the aforesaid terms.

16. The petitioner is further at liberty to take appropriate steps with respect to his son, before the appropriate Forum annexing a copy of this order.

17. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending consideration if any in this case shall stand closed.

RAVI NATH TILHARI, J

CHALLA GUNARANJAN, J

28.12.2024

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RSD