

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.05.2015

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

HCP.No.1186 of 2015

Vasanthi

... Petitioner

vs.

1. The Superintendent of Police,
Ariyalur District
Ariyalur.
2. The Inspector of Police,
Andimadam Police Station,
Ariyalur District.
3. Santhosh
4. Rajesh

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus directing the respondents to produce the petitioner's daughter Malini Aged 16 years before this Honble Court and set her at liberty.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.M.Maharaja,
Addl. Public Prosecutor
for R1 & R2

ORDER

[Order of the Court was made by M.DURAI SWAMY J.,]

The petitioner, who is the mother of the detainee, viz., Malini, aged about 17 years, has filed the above petition seeking for the custody of the minor detainee.

3. In the affidavit filed in support of the petition, the petitioner has stated that the respondents 3 and 4 have kidnapped her minor daughter.

4. This court ordered notice to the respondents on 6.5.2015 and when the matter is listed today, the 2nd respondent, produced the minor detainee Malini before this court.

5. We enquired the minor detainee Miss. Malini and she has stated that her date of birth is 29.6.1998 and that she wants to go along with her mother, the petitioner herein.

6. Mr.M.Maharaja, learned Additional Public Prosecutor, appearing for the respondents 1 and 2, submitted that the 2nd respondent has already registered a case in Crime No.110 of 2015 under section 266(A) altered to 366(A) IPC & 3(a) r/w 4 POCSO Act. Further, the Additional Public Prosecutor submitted that the detainee was produced before the Fast Track Court, Ariyalur on 12.5.2015 and recorded her statement.

7. Since the detainee, who is the minor, wants to go along with her mother, the custody of the minor detainee is handed over to the petitioner's mother viz., Vasanthi.

8. In the light of the above, the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar(ADM II)/
Vacation Officer

//True Copy//

Sub Assistant Registrar

Rj/Ga
To

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

2. The Inspector of Police,
Andimadam Police Station,
Ariyalur District.

3. The Public Prosecutor
High Court, Madras.

HCP.No.1186 of 2015

MG(CO)
CA(28/05/2015)