

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.02.2015

CORAM:

The Hon'ble Mr.Justice S.MANIKUMAR
and
The Hon'ble Mrs.Justice ARUNA JAGADEESAN

H.C.P.No.501 of 2015

M.Kaliyamoorthy ... Petitioner

vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram District.

2.The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.

3.Radha Krishnan ... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 1st and 2nd Respondent to retrieve the petitioners minor daughter Miss. Vijaya Shanthi aged about 16 yers and produce her before this Honourable Court and set her at liberty.

For petitioner : Mr.S.Silambu Selvan

For respondents : Mr.A.N.Thambidurai,
Additional Public Prosecutor.
for R1 and R2

O R D E R

(Order of this Court is made by S.MANIKUMAR, J.)

Father has sought for a Writ of Habeas Corpus against the official respondents 1 and 2, to retrieve his minor daughter Vijaya Shanthi, aged about 16 years and to produce her before this Court. He has submitted that since 12.02.2015, she was found missing. According to him, respondent No.3, is the cause for missing of his daughter. Averments disclose that on the basis of the complaint dated 14.02.2015, Inspector of Police, Villupuram Taluk Police Station, Villupuram District, has registered a case in Crime No.98

of 2015 on 14.02.2015 itself. According to the petitioner, no action is taken. Hence, this petition.

2. When the matter came up for hearing, on instructions from the Sub Inspector of Police, attached to Villupuram Taluk Police Station, Villupuram District, respondent No.2, Mr.A.N.Thambidurai, learned Additional Public Prosecutor submitted that the minor girl was retrieved on 16.02.2015 itself. He further submitted that though sufficient intimation was given to the petitioner, he did not respond. The minor girl was also produced before the Lower Court on 17.02.2015. He further stated that the petitioner had not come forward to take the girl, learned Judicial Magistrate No.I, Villupuram, was constrained to direct custody of the minor girl Vijaya Shanthi in the Government Observatory Home for Children, Kilpauk, Chennai. She has been directed to be produced before the Lower Court on 18.02.2015 i.e., today. Learned Additional Public Prosecutor further submitted that medical examination of the minor girl is required for investigation, as to whether any crime has been committed by respondent No.3.

3. Though the learned counsel for the petitioner submitted that no intimation was given to the mother and that she was not allowed to see the minor child, the said fact is disputed. Subjecting the alleged detainee for medical examination, is required for proper investigation. Minor girl was missing from 12.02.2015 and she has been retrieved on 16.02.2015. As per communication of the learned Judicial Magistrate No.I, Villupuram, dated 17.02.2015, addressed to the Superintendent, Government Observatory Home for Children, Kilpauk, Chennai, the latter has been directed to have the custody of the minor child for care and protection of minor Vijaya Shanthi. Inasmuch as the minor girl has been directed to be produced on 18.02.2015, we are of the view that there could be some typographical mistake regarding the period of stay i.e., 18.05.2015 in the home. Having regard to the above facts, it is always open to the petitioner, to seek for appropriate orders from the learned Judicial Magistrate, before whom crime is reported. Writ of Habeas Corpus to produce the detainee before this Court cannot be granted.

With the above direction, this Habeas Corpus Petition is disposed of. Learned Judicial Magistrate is directed to consider the application to be made by the mother for custody.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mps

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram District.

2.The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.

3. The Judicial Magistrate No.I
Villupuram

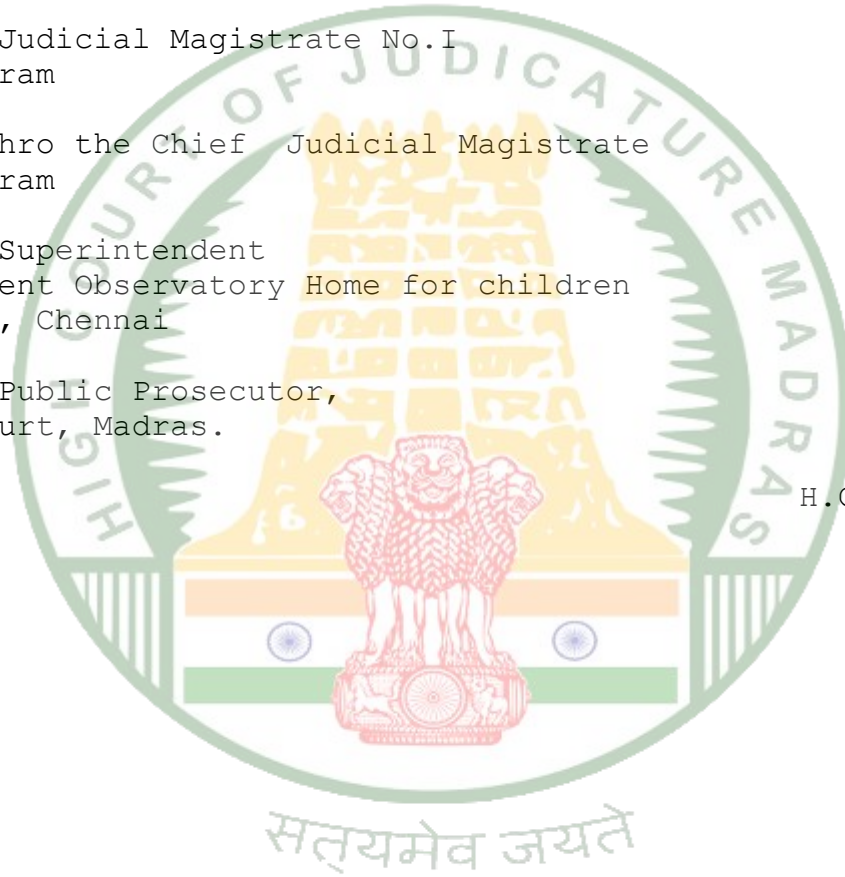
4. do thro the Chief Judicial Magistrate
Villupuram

5. The Superintendent
Government Observatory Home for children
Kilpauk, Chennai

6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.501 of 2015

GJ (CO)
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