



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.08.2015**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

and

THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P(MD)No.1041 of 2015

V.Sudalaimani

.. Petitioner

Vs.

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

2.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.

3. Madasamy

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, praying for a direction to the respondents 1 and 2 to produce the body or person of the detainee, namely S.MUTHU KARUVELAM @ ANITHA (aged 16 years), D/o.Sudalaimani, before this Court and hand over her to the petitioner.

For Petitioner : Mr.K.Seema Raj

For R1& R2 : Mr. K.S.Duraipandian
Additional Public Prosecutor.

For R3 : No Appearance

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J**]

The petitioner is the father of one minor girl, viz., S.Muthu Karuvelam @ Anitha. She is aged about 16 years. According to the petitioner, the third respondent has kidnapped her on 26.06.2015, from his lawful guardianship. On his complaint, a case has been registered by the second respondent in Crime No.194 of 2015 under Section 366-A of I.P.C. Since the girl was not secured, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for R1 and R2 and we have not ordered notice to the third respondent.

3. Today, when the matter was taken up for hearing, Dr. P.Arunsakthi Kumar, the Assistant Superintendent of Police, Thoothukudi Town, In-charge of Thoothukudi Rural Sub Division, produced the minor



girl, S.Muthu Karuvelam @ Anitha, before this court. According to him, the girl was secured from Tiruppur. The investigation has revealed that the girl was all along kept by the third respondent and the third respondent has committed offence under Protection of Children from Sexual Offences Act, 2012. The Assistant Superintendent of Police would submit that the Investigation Officer would alter the case so as to include the offences under Protection of Children from Sexual Offences Act, 2012 also and investigate the same.

4. On enquiry, the detenue, viz., S.Muthu Karuvelam @ Anitha would submit that she is not willing to go with the petitioner and she is prepared to go to a Home for Children. In our considered view, since a case has been registered, her statement has also to be recorded under Section 164 Cr.P.C., we direct the Assistant Superintendent of Police to produce her before the jurisdictional Court for further orders, regarding her custody as well as regarding the further proceedings. Since the girl is now secured, there is no scope to issue any further orders in this matter. Accordingly, the Habeas Corpus Petition is dismissed, leaving it open for the petitioner to approach the jurisdictional Court for seeking custody of the child.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

PJL/RR

To

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi.
2. The Assistant Superintendent of Police,
Thoothukudi Town,
(Incharge of Thoothukudi Third Subdivision)
Thoothukudi.
3. The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GJM/AN/MP/SARJ-4.9.15-2P-5C

ORDER MADE IN
H.C.P (MD) No.1041 of 2015
19.08.2015