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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.12.2015**

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.1676 of 2015

P.Murugan : Petitioner

Vs.

1.The Sub-Inspector of Police,
Sambavarvadakarai Police Station,
Tirunelveli District.

2.C.Moorthy : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the first respondent to produce the body or person of the petitioner's minor daughter namely Suganya, daughter of P.Murugan, aged 17 years, the detenu in the present case, before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.V.M.Balamohan Thambi

For Respondent No.1 : Mr.R.Ramachandran
Additional Public Prosecutor

ORDER

[Order of the Court was made by, **P.R.SHIVAKUMAR, J.**]

Though this case stands adjourned to 16.12.2015, since the alleged detenu is produced before this Court, as requested by the learned counsel for the petitioner and also the learned Additional Public Prosecutor, the hearing is advanced and the Habeas Corpus Petition is taken up for hearing.

2. This Habeas Corpus Petition has been filed by Murugan, the father of the missing girl - Suganya, aged about 17 years. The birth certificate issued by Sengottai Municipality and the School Transfer Certificate issued by the Government Higher Secondary School, Suntharapandiapuram, copies of which are found in the typed set of papers filed with the petition, show that Suganya was born on 17.01.1998 and she is a minor, aged about 17 years. Pursuant to the disappearance of the minor - Suganya, a complaint was lodged by the petitioner with the first respondent. Based on the same, the missing girl - Suganya was secured by the police and she has been produced today before this Court. On enquiry, Suganya states that due to the intimacy, she had with the second



respondent, she went along with him and after coming to know about the registration of the case on the file of the first respondent police, they surrendered before Sambavarvadakarai Police Station and thus, she has been produced before this Court today.

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3. The learned Additional Public Prosecutor, on instructions from the first respondent police, submits that on their appearance in the Police Station, the statement of Suganya was recorded and the case was altered into one for an offence under Section 366(A) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and that the second respondent was arrested and remanded to judicial custody. It is the further submission of the learned Additional Public Prosecutor that for the purpose of medical examination, the missing girl - Suganya was kept in the Home with the order of the learned Judicial Magistrate and she was also subjected to medical examination and that after subjecting her to medical examination, she has been produced before this Court.

4. Though minor Suganya, as per her statement, chose to go with the second respondent, now she expresses her willingness to go with her parents. The father of minor Suganya and his wife are also present. They are also prepared to take the minor girl Suganya under their custody and to treat her properly.

5. In view of the said statement, the petitioner and his wife, being the parents of the minor Suganya, are permitted to take the minor Suganya with them. The minor Suganya shall be made available for the purpose of investigation, if the Investigating Officer wants to examine her. The investigation of the criminal case shall go on.

6. With the above, the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Sub-Inspector of Police,

Sambavarvadakarai Police Station, Tirunelveli District.

2.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.V.M.BALAMOCHAN THAMPI, Advocate Sr.No. 71190

NB

AA/SKS-RR/17.12.2015/2p-4c

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ORDER MADE IN

H.C.P (MD) No.1676 of 2015

Dated: 09.12.2015