



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.446 of 2015

K.Murugesan

.. Petitioner

Vs.

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

2.The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
(Crime No.93/2015)

3.Manikandan @ Devaraj

4.Ramasamy

5.Murugammal

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the Respondents to produce the petitioner's daughter, Bhanu Preethi, aged about 17 years, before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.A.John Vincenth

For RR 1 and 2 : Mr.K.S.Duraipandian
Additional Public Prosecutor.

For RR 3 to 5 : No Appearance.

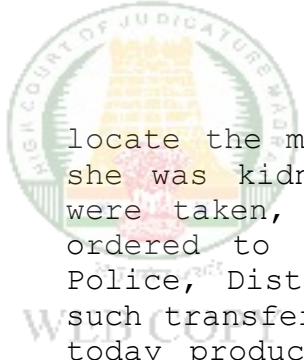
O R D E R

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

The petitioner is the father of one Bhanu Preethi. Her date of birth is 05.07.1997. She was found missing from 04.03.2005 onwards. On a complaint made by the petitioner, a case was registered by the respondent police in Crime No. 93 of 2015 for 'girl missing'. The Inspector of Police, Ottanchathiram was investigating the case. Since the girl was not secured, the petitioner filed this Habeas Corpus Petition in the month of April, 2015.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Though, this Habeas Corpus Petition came up for hearing on several days, there was no progress made in the matter of investigation to



locate the minor girl. Despite the fact that there was an aggrieve that she was kidnapped by the third respondent. Since, repeated adjournments were taken, but no progress was made in the investigation. This Court ordered to transfer the investigation to the Deputy Superintendent of Police, District Crime Branch, Dindigul by order dated 25.08.2015. After such transfer, the Deputy Superintendent of Police have taken steps and he today produced the girl before this Court. We enquired her. She stated that her date of birth is 05.07.1997 and she married the third respondent on 04.03.2015 at Sivanmalai and from the date onwards, she has been living as his wife. Obviously as on the date of her alleged kidnapping and as on the date of the marriage she was minor. Therefore rightly, this case has been altered into the penal provisions under the POCSO Act. The investigation needs to be done by the women police officer and therefore the Superintendent of Police shall pass appropriate order transferring the investigation to a competent woman police officer.

3. On enquiry, the detenue would say that she is not willing to go with her parents and the said statement is recorded. The petitioner and his wife are present with their respective counsels. Since, she has attained majority, she has got the choice to choose about her future. Therefore she is at liberty to go with her parents or according to her wish.

4. With the above observations this Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

- To
1. The Superintendent of Police, Dindigul District, Dindigul.
 2. The Inspector of Police, Oddanchatram Police Station, Dindigul District.
 3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
 4. The Deputy Superintendent of Police, District Crime Branch, Dindigul.

+1cc to M/S. S.Gokulraj, Advocate in SR.No. 62432

TS/30.10.2015/2P-6C / SK-SKN/SAR - II

H.C.P. (MD) .No.446 of 2015

26.10.2015