



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR
and

THE HONOURABLE MR. JUSTICE V.S.RAVI

H.C.P. (MD) No.587 of 2015

Neelakandan

.. Petitioner

Vs.

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

2.The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.

3.Dony Raja

.. Respondents

Prayer : Petition under Article 226 of the Constitution of India, praying this Hon'ble Court may be pleased to issue Writ or Order or Direction in the nature of Writ of Habeas Corpus, directing the 2nd respondent to secure the detenu and produce the body of the detenu viz.Poovetha, D/o.Neelakandan, aged 15 years before this Court illegally detained by the third respondent and handover the custody of the detenu to the petitioner forthwith.

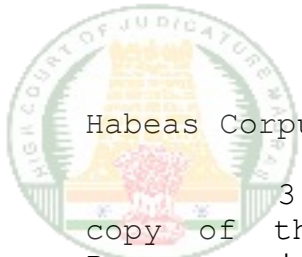
For Petitioner	:	Mr.S.Deenadhayalan
For RR - 1 & 2	:	Mr.R.Ramachandran
		Addl.Public Prosecutor
For R - 3	:	No appearance

O R D E R

(Order of the Court was made by **P.R.SHIVAKUMAR.,J.**)

This Habeas Corpus Petition was filed by Mr.Neelakandan, the father of the missing girl Poovetha aged about 15 years alleging kidnapping from lawful custody of the guardian by the third respondent herein.

2.A complaint was lodged by Mr.Neelakandan with the second respondent. The second respondent registered a case in FIR No.75 of 2015 as a girl missing case. Subsequently, the police were able to find minor Poovetha with the third respondent. Consequently, the third respondent was arrested and remanded in the case which was altered into a case for offences under Sections 366(A) IPC r/w 4 of the Protection of Children from Sexual Offences Act, 2012. Minor Poovetha has been produced by the second respondent today. Meanwhile, Neelakandan, the petitioner in the



Habeas Corpus Petition passed away on 02.10.2015.

3.The learned counsel for the petitioner has today produced copy of the death certificate issued by Regional Deputy Tahsildar, Peravoorani. The said document shows that the petitioner Neelakandan died after the filing of the Habeas Corpus Petition. His brother Arunachalam is present. Minor Poovetha expresses her willingness to go with Arunachalam as he is also looking after the elder sister of minor Poovetha. The statement of minor Poovetha to the above said effect is recorded and the custody of minor Poovetha is given to Arunachalam, junior paternal uncle of minor Poovetha. Arunachalam shall also file an affidavit stating that he will produce the detenu whenever she is required by this Court or any other Court.

4.Accordingly, the Habeas Corpus Petition is disposed of.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 2.The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
3. The Deputy Superintendent of Police,
Pattukkottai, Thanjavur District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to : The Section Officer, Criminal Section,
Madurai Bench of Madras High court, Madurai.

+1CC to Mr.S.Deenadhayalan Advocate Sr.No.67573

GJM/SKS/RR/7.12.2015-2P-7C

H.C.P(MD) No.587 of 2015
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