

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-02-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.2640 of 2015

A.Maheswari

... Petitioner

Versus

1. The Inspector of Police,
Vallathee Police Station,
Villupuram District.

2. Manjunathan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for a Writ of Habeas Corpus, directing the first respondent to produce the body of the petitioner's minor daughter Miss.A.Priyanka, aged 16 years from the illegal custody of the 2nd respondent.

For Petitioner : Mr.A.Jayaprakash

For Respondents : Mr.V.M.R.Rajendran
Additional Public Prosecutor (R1)

ORDER

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the first respondent.

2. This Habeas Corpus Petition has been filed by the petitioner, who is the mother of the detainee, namely, Priyanka, aged about 16 years, stating that the detainee is in the illegal custody of the second respondent. It has been stated that the detainee, who is a minor girl, studying in St.Michael's Higher Secondary School, Gingee, went missing, from 19.9.2015. Thereafter, the petitioner had lodged a complaint before the first respondent. A case had been registered, in Crime No.248 of 2015, on 24.9.2015, as a girl missing case. Since no further

action had been taken, by the first respondent, she had preferred the present Habeas Corpus Petition, before this Court.

3. Today, when the matter had been listed before this Court, the detinue, namely, A.Priyanka, was secured and produced before this court. It has been stated that the second respondent had been arrested and remanded to judicial custody, on 6.11.2015, before the learned Judicial Magistrate, Gingee, Villupuram District, for the alleged offence committed, under Section 366A of the Indian Penal Code.

4. On being enquired, the detinue had submitted that she has been taken by Manjunathan, the second respondent herein. She has been kept in the house of the mother of the second respondent, at Kovilampakkam, near Chennai. The mother of the detinue is also present before this Court. The detinue, who is a minor, had stated that she would like to go along with her mother.

5. In view of the statement made by the detinue, who has been produced before this court, by the first respondent police, we find it appropriate to permit her to go with her mother, the petitioner herein, as per her wish. However, it is made clear that it would be open to the petitioner, who is the complainant in the case pending before the Judicial Magistrate, Gingee, Villupuram District, to pursue the same, in accordance with law. The Habeas Corpus Petition stands closed, as no further orders are necessary.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

csh

To

1.The Inspector of Police,
Vallathur Police Station,
Villupuram District.

2.The Additional Public Prosecutor,
High Court, Madras.

H.C.P.No.2640 of 2015

RSI (CO)
CA(27/02/2016)