IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM

THE HONOURABLE MR. JUSTICE M.JAICHANDREN

and

THE HONOURABLE MR. JUSTICE T.MATHIVANAN

H.C.P. No. 2476 of 2016

Magalingam .. Petitioner /father of the detenue

Vs.

1.The State Rep. By
Inspector of Police
Cuddalore NT Police Station
Cuddalore District

2.The Superintendent of Police
Cuddalore District
Cuddalore

3. Sarath @ Thirunavukarasu
S/o.Sankar @ Balachandran .. Respondents

Prayer : Petition under Article 226 of the Constitution of India, praying for issuance of Writ of Habeas Corpus to direct the respondents to produce the body of the daughter of the petitioner by name Minor. Keerthana D/o.A.Magalingam, aged 17 years before this Court.

For Petitioner : Mr.T.Gobinath

For Respondents :: Mr. V.M.R.Rajentren
Additional Public Prosecutor

O R D E R

(Order of the Court was made by **M.JAICHANDREN.,J.**)

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of respondents 1 to 2 herein.

2.This Habeas Corpus Petition has been filed by the father of the detenue, namely, Keerthana, aged about 17 years. It has been stated that the detenue has been living along with the petitioner at A.Vadugapalayam, M.Puthur Post, Cuddalore Taluk and District. While so, the third respondent had kidnapped the detenue on 11.11.2016. Therefore, a complaint had been lodged before the first respondent police and the said complaint had been registered, in Cr.No.614 of 2016, as a 'Girl Missing' case. Since no effective steps have been taken by the first respondent to trace the detenue, the petitioner has preferred the present Habeas Corpus Petition before this Court.

3. On 25.11.2016, the first respondent had produced the detenue before this Court. As the detenue, who is a minor, was not willing to go along with the petitioner, who is her father, the detenue had been directed to

be kept at MATT Home, Vanniyarpalayam, Cuddalore.

4.Today, when the matter had been listed for hearing, the detenue had stated that she is willing to go along with the petitioner, who is her father. The mother of the detenue is also present before this Court. The parents of the detenue had stated that they would take good care of the detenue, in her home, at A.Vadugapalayam, M.Puthur Post, Cuddalore Taluk and District.

5. Under such circumstances, we direct the first respondent to take the detenue back to MATT Home, Vanniyarpalayam, Cuddalore. Thereafter, the detenue may be permitted to go along with the petitioner, after proper verification of the identity of the petitioner.

As no further orders are necessary, the Habeas Corpus Petition stands closed.

(M.J., J.) (T.M., J.)

20.12.2016

Index: Yes/No
Internet: Yes
gpa

Note: 1. Registry is directed to send a copy of this Order to MATT Home, Vanniyarpalayam, Cuddalore

2. Issue order copy on 20.12.2016

To

1.The Inspector of Police
Cuddalore NT Police Station
Cuddalore District

2.The Superintendent of Police
Cuddalore District
Cuddalore

3. Sarath @ Thirunavukarasu
S/o.Sankar @ Balachandran

M.JAICHANDREN.J.,

and

T.MATHIVANAN.J.,

gpa

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