

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE **MR.JUSTICE R.SUDHAKAR**
and

THE HONOURABLE **MR.JUSTICE P.N.PRAKASH**

H.C.P.No.2691 of 2015

Abirami

.. Petitioner

Vs.

1. The Superintendent of Police,
Vellore District.
2. The Inspector of Police,
Thirupattur Town Police Station,
Vellore District.
3. C.Akash

.. Respondent

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 detainee Menaga Sri, D/o V.Ambi before this Court and set her at liberty.

For Petitioner : Mr.S.Sathishrajan

For respondents : Mr.A.N.Thambidurai
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This Habeas Corpus Petition is filed by the mother of the detainee, Menaga Sri for a direction to the respondents to produce the detainee before this Court and set her at liberty.

2. It is the case of the petitioner that her daughter Menaga Sri, aged about 16 years (date of birth - 26.5.1999) was studying 10th standard in Mary Immaculate Government Higher Secondary School, Tirupattur and on 01.02.2015, she went to the nearby temple and did not return. Hence, the petitioner has lodged a complaint before the second respondent police on the same day. But the police did not register the case till date. Hence, the petitioner has filed the present Habeas Corpus Petition.

3. Today, when the matter was called, the respondent - police, viz., R.Udayakumar, Special Sub-Inspector of Police, Tirupattur Town Police Station and C.Gandhimathi, Women Constable, Town Police Station, Tirupathur have produced the detainee before this Court. The parents of the detainee are also present before this Court.

4. On enquiry, the detenue submits that she was misguided by the third respondent Akash and now realising his malafide intention, she came back to her parents. She further states that the third respondent is harassing her. The parents of the detenue submits that the third respondent and his family members are harassing and threatening them of and on.

5. We are indeed shocked to note that despite the complaint given by the petitioner on 01.02.2015, the respondent - police, have not registered a First Information Report for the reasons best known to them. We deprecate this kind of practice and we direct the Superintendent of Police, Vellore District to look into the matter, since the detenue is a minor girl and the provisions under POCSO Act should be invoked.

6. Be that as it may. As the detenue is desirous of going back to her parents, the custody of the detenue is handed over to her parents. We direct the second respondent police to provide sufficient protection to the detenue and her family against any threat or intimidation from the side of the third respondent. If any complaint is

R.SUDHAKAR,J.
AND
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lodged by the petitioner, the same shall be looked into by the respondent - police and action should be taken in the future.

7. With the above direction, this Habeas Corpus Petition stands closed.

sl (R.S,J.) (P.N.P,J.)
20.01.2016

To

1. The Superintendent of Police,
Vellore District.
2. The Inspector of Police,
Thirupattur Town Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

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