

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1213 of 2016

G.Dharmalingam

...Petitioner

vs.

1.The State, represented by
The Sub-Inspector of Police,
Paradarami Police Station,
Paradarami, Vellore District.

2.The Superintendent of Police,
O/o. Superintendent of Police,
Sathuvachari, Vellore District.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus, to direct the respondents herein to produce the minor daughter of the petitioner D.Priya, 17 years, before this Court and set her at liberty forthwith.

For Petitioner : Mr.R.Muthukumar

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

O R D E R
सत्यमेव जयते

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

The petitioner is the father of one Ms.D.Priya, whose date of birth is 03.05.1999. According to the petitioner, she has been found missing from 04.05.2016 onwards. On a complaint made by the petitioner, the first respondent has registered a case in Crime No.184 of 2016 under Section 363 IPC. Since the minor girl was not secured by the Police, the petitioner has come up with this Habeas Corpus Petition.

2. Today, when this Habeas Corpus Petition was taken up for hearing, the first respondent produced the minor girl Ms.D.Priya. The petitioner also made appearance along with his

wife. When we enquired, the detenue expressed her willingness to go with the petitioner.

3. The learned Additional Public Prosecutor submitted that as a matter of fact, the minor girl was kidnapped by one Krishnamoorthy and others and now as many as three accused have been arrested in connection with the same. The case has also been altered into one under Sections 366-A, 376, 109 IPC r/w Sections 4 and 6 of the POCSO Act, 2012 r/w Section 9 of Child Marriage Restraint Act, 2006. The said submission is recorded.

4. In view of the above, the Habeas Corpus Petition is disposed of entrusting the custody of the minor girl to the petitioner and with a further a direction to the first respondent to cause production of the minor girl Ms.D.Priya before the Special Court under the POCSO Act, Vellore District on 22.07.2016. On such production, the said Special Court shall pass appropriate orders regarding the custody of the minor girl Ms.D.Priya.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Special Court for POCSO Act,
Vellore.
- 2.The Sub-Inspector of Police,
Paradarami Police Station,
Paradarami, Vellore District.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Sathuvachari, Vellore District.
- 4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1213 of 2016

TM(CO)
Eu 21.07.2016