

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM:

The HON'BLE MR. JUSTICE M.JAICHANDREN
and
The HON'BLE MR.JUSTICE S.BASKARAN

H.C.P.No.1325 of 2016

K.Rajendran

.. Petitioner

Vs.

- 1.The Superintendent of Police,
Villupuram District,
Villupuram.
- 2.The Deputy Superintendent of Police,
Gingee,
Villupuram District.
- 3.The Inspector of Police,
Gingee Police Station,
Villupuram District.
- 4.G.Sankar
- 5.S.Santhosh
- 6.Asothai
- 7.K.Kannan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 to 3 herein to produce the body of the detenu, minor R.Jayalakshmi, aged 16 years, before this Court and set her at liberty.

For petitioner : Mr.J.Karthikeyan

For respondents : Mr.V.M.R.Rajentren, APP for RR1 to 3
Mr.L.Mahendran for R-4

ORDER

(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 the respondents 1 to 3 and the learned counsel appearing on behalf of the fourth respondent.

2 This Habeas Corpus Petition has been filed by the petitioner, who is the father of the detainee, namely, R.Jayalakshmi, aged about 16 years, praying that this court may be pleased to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner's minor daughter, namely, R.Jayalakshmi, before this Court and set her at liberty.

3 The petitioner, who is the father of the detainee, had stated that his daughter, R.Jayalakshmi, who is studying in Plus 2, in the Government Girls Higher Secondary School, Melsithamur, had gone missing, on 8.6.2016. Hence, the petitioner had lodged a complaint, before the third respondent, on 9.6.2016. The said complaint had been registered in Crime No.294 of 2016, under Section 366A of the Indian Penal Code. Since no action had been taken by the respondent police to secure the minor girl from the illegal custody of the respondents 5 to 7 herein, the petitioner had lodged a further complaint before the first respondent, on 15.6.2016. Thereafter, he has preferred the present Habeas Corpus Petition before this Court.

4 Today, when the matter had been taken up for hearing, the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3, had produced the detainee before this Court. He had also stated that the detainee had been kept in the custody of Abayam Short Stay Home, Villupuram, based on an order passed by the Judicial Magistrate, Gingee.

5 On enquiry, the detainee had stated that she had married the fifth respondent a few months back and she has been living with him, thereafter. She had further stated that she would like to go along with her parents, who are present before this Court. The parents of the detainee had also stated that they would take care of the detainee and permit her to continue her studies.

6 In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and in view of the submission made by the detainee, this Court is of the considered view that it is appropriate to permit the detainee, namely, R.Jayalakshmi, to go along with her parents, as per her wish. As the detainee is kept in the custody of Abayam Short Stay Home, Villupuram, a direction is issued to the said home to permit the detainee to go along with her parents, as per her wish, on furnishing necessary identification by the parents of the detainee. However, the action taken against the respondents concerned, under the provisions of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), shall go on, in accordance with law.

7 This Habeas Corpus Petition stands closed, with the above directions.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.The Superintendent of Police,
Villupuram District,
Villupuram.
- 2.The Deputy Superintendent of Police,
Gingee,
Villupuram District.
- 3.The Inspector of Police,
Gingee Police Station,
Villupuram District.
- 4.The Superintendent
Abayam Short Stay Home,
"Kalaiselvi Karunalaya",
No.10, Vaigai Sathuram,
Thanthai Periyar Nagar,
Villupuram.
5. The Public Prosecutor
High Court, Chennai.

1 cc to M/s.J.Karthikeyan, Advocate, sr.58345
1 cc to M/s.L.Mahendran, Advocate, sr.58311

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