

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

ORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR. JUSTICE S. BASKARAN

H.C.P.No.1348 of 2016

K.Ravikumar

... Petitioner

vs

1.The Superintendent of Police,
The Office of the Superintendent of Police,
Tirupur.

2.The Inspector of Police,
Vellakovil Police station,
Vellakovil.

3.Veeramani @ Manikandan

4.Saravanan

5.Elayamma

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Habeas Corpus directing the second respondent to produce the person and body of the detainee (Madhumitha @ Malarvizhi, aged 17) of the petitioner's child from the illegal custody of 3rd to 5th respondents.

For Petitioner : Mr.N.Stalin

For Respondents: Mr.V.M.R.Rajendren,
Addl. Public Prosecutor
for R1 and R2

O R D E R

(Order of the Court was made by S.BASKARAN J.)

This habeas corpus petition has been filed by the father of the detainee, namely, Malarvizhi, aged about 17 years, praying that this Court may be pleased to direct the respondent police to produce his daughter, before this Court, and to set her at liberty.

2. It has been stated that the detainee, a minor, aged about 17 years, has been missing from 25.1.2016. Therefore, the petitioner had preferred a complaint before the second respondent police. The said complaint had been registered, on the same day, in Crime No.61 of 2016, for 'girl missing'. Since no effective steps had been taken, to trace the detainee, the petitioner has come forward with this present habeas corpus petition before this Court.

3. Today, when the matter was taken up for hearing, the second respondent police had produced the detainee before this Court. The father of the detainee was also present. On enquiry, the detainee has stated that she was kidnapped by the third respondent herein and she has been detained by him. The fourth and fifth respondents herein helped the petitioner for such kidnapping. She had further stated that she is willing to go with her father, who is present before this Court along with his wife.

4. The learned counsel appearing for the fourth and fifth respondents submitted that the fourth and fifth respondents have not played any role in the alleged kidnapping.

5. Considering the facts and circumstances of the case and also the fact that the detainee is willing to go along with her parents, we are inclined to close the habeas corpus petition, setting the detainee at liberty, to go along with her parents, as per her wish. Accordingly, the habeas corpus petition stands closed.

6. Since the detainee had been produced from the Home, viz., Mariyalaya Home, Tiruppur, the second respondent police is directed to take back the detainee to the Home to entrust her custody to her parents. The Secretary of the said Home shall handover the custody of the detainee to her parents, on production of a copy of this order and on proper identification.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
The Office of the Superintendent of Police,
Tirupur.

2.The Inspector of Police,
Vellakovil Police station,
Vellakovil.

3.The Public Prosecutor
High Court, Madras.

+1CC Mr.N.Stalin, Advocate Sr.59020

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