

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

Coram:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

H.C.P.No.207 of 2016

M.Gopal

.. Petitioner

vs.

1. The Superintendent of Police,
Cuddalore District.

2. The Inspector,
Annamalai Police Station,
Cuddalore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body of Miss.G.Monisha, D/o.M.Gopal, aged 17 years, before this Court.

For Petitioner : Mr.V.Porkodi

For Respondents : Mr.V.M.R.Rajentren,
Addl. Public Prosecutor (Crl.side)

O R D E R

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

The father of the detainee is the petitioner. He would state that his daughter, namely, G.Monisha (detenue), aged about 17 years, is a student, studying B.Pharm I year at Chidambaram Annamalai University. On 16.12.2015, she left home at 6.00 a.m. saying that she had to attend examination which is to be held at 2.00 p.m. After writing the examination, she did not return home. When attempts were made to call her through mobile phone, it was switched off. After searching the detainee, since the petitioner was unable to trace out her, he lodged a complaint on the file of the 2nd respondent, based on which a case in Crime No.330 of 2015 was registered for the commission of the offence 'Girl missing'.

2. The petitioner would further state that on enquiry, he came to know that the detainee was in the home of Thangamuthu who

had two sons, namely, Rajiv Gandhi and Kanagaraj and Rajiv Gandhi had illegally detained his daughter. Hence, he came forward to file the present petition.

3. At the instance of the learned Additional Public Prosecutor, the matter was taken up today.

4. The Court heard the submissions of the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents who produced the detainee.

5. The learned Additional Public Prosecutor would state that the detainee was secured by the 2nd respondent and her statement was also recorded and the accused were also apprehended.

6. When the detainee was enquired, she would state that she had been taken to a secluded place and against her will and consent, she was forcibly married and she is willing to go back with her parents.

7. The learned Additional Public Prosecutor would further submit that since the detainee is aged about 17 years, the 2nd respondent police is also invoking POCSO Act.

8. In the light of the fact that the accused were also apprehended and the detainee is aged about 17 years, this Court is of the view that for taking further proceedings, she has to be produced before the jurisdictional Magistrate, for recording statement under Section 164 of Cr.P.C. and thereafter, to be produced before the Presiding Officer, Mahila Court, Cuddalore, dealing with POCSO Act, for passing further orders as expeditiously as possible.

9. The Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Cuddalore District.

2. The Inspector,
Annamalai Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

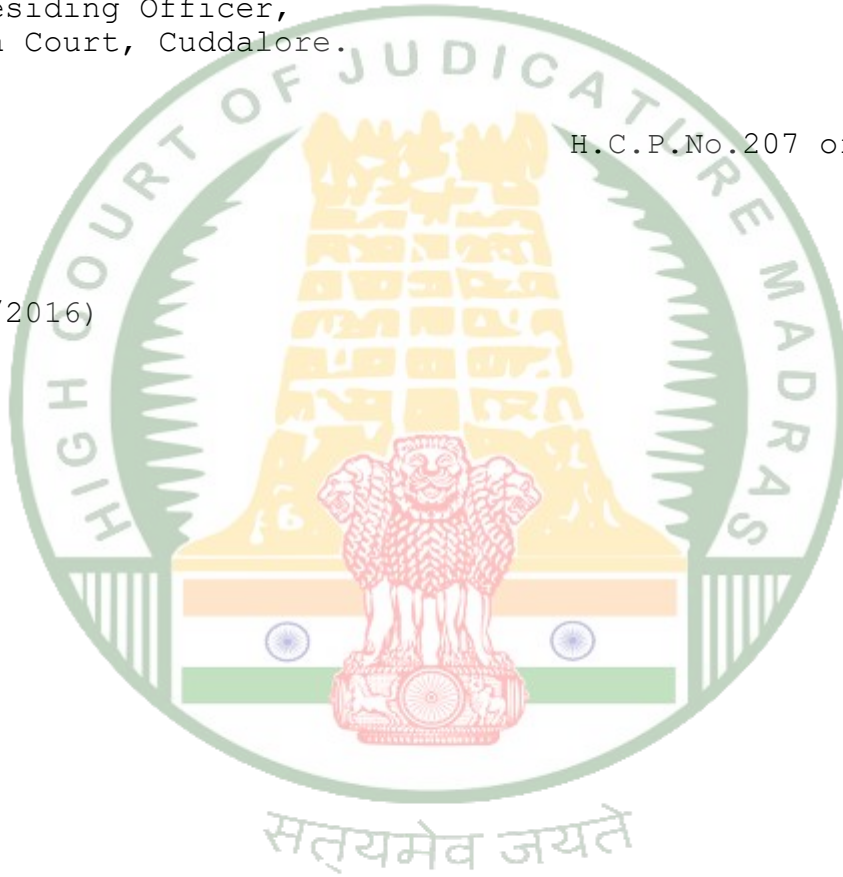
Copy to:

1. The Judicial Magistrate No.I,
Cuddalore.

2. The Presiding Officer,
Mahila Court, Cuddalore.

H.C.P.No.207 of 2016

sai (CO)
srg (30/03/2016)



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