

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-02-2016

CORAM

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

H.C.P.No.209 of 2016

S.Muniappan

... Petitioner.

vs

1. State rep. by
The Inspector of Police,
B-1 Police Station, Dharmapuri Town
Dharmapuri District.
2. Vajaravel
3. Pushpagaran
4. Velmurugan
5. Srinivasan

... 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 1st respondent police to produce the body of petitioner's minor daughter Manimegalai, aged about 17 years, before this Court and set her at liberty.

For Petitioner : Mr.V.R.Anna Gandhi

For Respondent : Mr.V.M.R.Rajendren,
Addl. Public Prosecutor
for 1st respondent

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O R D E R

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

The petitioner is the father of the detinue, viz., Manimegalai, aged about 17 years. Her date of birth is 24.05.1999. Alleging that she was kidnapped, a complaint was made by the petitioner to the police, upon which, a case was

registered in Crime No.823 of 2015 for the offence under Section 366-IPC by the 1st respondent police, on 14.12.2015. Since, the minor girl was not secured, the petitioner has filed this Habeas Corpus Petition directing the 1st respondent police to produce the body of petitioner's minor daughter Manimegalai, aged about 17 years, before this Court and set her at liberty.

2. Today, when the matter was taken up, the minor girl was produced before this Court by Ms.Girija Rani, the Sub-Inspector of Police, Dharmapuri Town Police Station.

3. Mr.V.M.R.Rajentren, the learned Additional Public Prosecutor would submit that in connection with the case in Crime No.823 of 2015, the minor girl Manimegalai was already secured, and she was produced before the jurisdictional Magistrate and on the judicial order of the learned Magistrate, she has been kept in Government Home for Children at Dharmapuri District. He would further submit that today, the minor girl has been brought before this Court only from the said Home.

4. In view of the fact that in connection with the case in Crime No. 823 of 2015, the minor girl has been secured and by means of a judicial order passed by the learned Magistrate, she has been kept in Government Home for Children at Dharmapuri District, we find no reason to interfere with the same in exercise of the powers conferred under Habeas Corpus Petition jurisdiction at this stage. If the petitioner has got any grievance and the petitioner needs custody of the minor girl, he can very well work out his remedy before the appropriate forum. In such view of the matter, this Habeas Corpus Petition is dismissed, with a direction to Ms.Girija Rani, Inspector of Police, to take her back and again hand over the custody of the minor girl to the Government Home for Children at Dharmapuri District. The Home shall act according to the further directions of the Magistrate. It is made clear that if any petition is filed before the Special Court under the Protection of Children from Sexual Offences Act, it is for the Court to decide about the custody of the minor girl Manimegalai.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Inspector of Police,
B-1 Police Station, Dharmapuri Town
Dharmapuri District.
2. Ms. Girija Rani,
Inspector of Police,
Dharmapuri District.
3. The Judicial Magistrate,
Dharmapuri.
4. The Public Prosecutor
High Court, Madras.

+2 ccs to Mr. V.R. Annagandhi, Advocate, sr.12741.

H.C.P.No.209/2016

jsv co
kra 01.03.2016



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