

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 21.12.2016**

**CORAM**

**THE HONOURABLE MR. JUSTICE M.JAICHANDREN**

**and**

**THE HONOURABLE MR. JUSTICE T.MATHIVANAN**

**H.C.P. No. 2273 of 2016**

K.Venkatachalam

.. Petitioner  
/father of the detenue

Vs.

1.The Sub-Inspector of Police  
Sooramangalam Police Station  
Salem District

2.Naveen

.. Respondents

Prayer : Petition under Article 226 of the Constitution of India, praying for issuance of Writ of Habeas Corpus to direct the first respondent to secure the minor daughter Jothika, aged 16 years in Crime No.18 of 2016 on the file of the Sub-Inspector of Police, Sooramangalam Police Station, Salem District from the illegal custody of the 2<sup>nd</sup> respondent and to produce the body or person before the Court and thereafter handover her to him.

For Petitioner : Mr.B.Vasudevan

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

**ORDER**

(Order of the Court was made by **T.MATHIVANAN.,J.**)

Heard the learned counsel appearing on behalf of the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the first respondent.

2. The petitioner, who is none other than the father of the detainee, namely Jothika, has approached this Court under Section 226 of the Constitution of India to issue a direction to the first respondent Sub-Inspector of Police, Sooramangalam Police Station, Salem District to produce his daughter from the illegal custody of the second respondent.

3. It is alleged that the detainee Jothika, aged about 16 years, was studying 11<sup>th</sup> Standard in Government Girls Higher Secondary School, Elampillai till April 2015. That on 25.12.2015, the petitioner's wife and his daughter (detainee) had been to his mother-in-law's house at 03.00pm and on the same day, his daughter had left to her Aunt's house situated at Karuppur, Mettupathi Arunthathiar Colony and thereafter, she did not return to his house.

4. In this connection, the petitioner had lodged a complaint on 09.01.2016 before the first respondent and the first respondent police had registered a case in Crime No.18 of 2016 under the head of 'Girl Missing'.

5. Today, the detainee Jothika was produced by the first respondent

before the Court. On enquiry, she has stated that her father himself had taken her to the Superintendent, Reception Unit, Girls Life Line Trust, Salem-7 and admitted her. She has further stated that she is willing to go along with her father, who is the petitioner herein. On verification of the records, it is found that her Date of Birth is 03.03.1999 and she is running 17 years and since she is a minor, she cannot be set at liberty. Since her father is absent today, there is no other go for this Court excepting to give a direction to the first respondent to take her to the same home.

6. Accordingly, the first respondent herein is directed to take the girl to the Superintendent, Reception Unit, Girls Life Line Trust, Salem-7 and produce her before him. The Superintendent, Reception Unit, Girls Life Line Trust, is directed to keep the girl in their safe custody and entrust the custody of the girl to the petitioner, who is her father, on showing the proof of his identity as and when he approaches the Home.

With the above direction, the Habeas Corpus Petition is closed.

**(M.J., J.)                      (T.M., J.)**  
**21.12.2016**

Index: Yes/No  
 Internet: Yes  
 gpa

**Note:** Issue order copy on today (21.12.2016)

To

The Sub-Inspector of Police  
Sooramangalam Police Station  
Salem District

**M.JAICHANDREN.J.,**

**and**

**T.MATHIVANAN.J.,**

gpa

**H.C.P. No. 2273 of 2016**

**21.12.2016**

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