

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE 21.03.2016

CORAM

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

HCP.No.446/2016

S.Selvi Petitioner/Mother of the Detenue

Versus

1. The Superintendent of Police
Villupuram District.
2. The Inspector of Police
Kachirapalayam Police Station
Villupuram District.
3. Marikannu
4. Chinnapillai
5. Sitthai

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the person and body of petitioner's minor daughter Abirami, aged about 16 years before this Court and hand over her custody to the petitioner herein and set the detenue at liberty forthwith.

For Petitioner : Mr.P.Vajravelu

For RR 1 & 2 : Mr.V.M.R.Rajentran
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

The detenue Abirami is the minor daughter of the petitioner. She was born on 26.10.1999 and at present, studying +2 course. The petitioner has lodged a complaint on the file of Kachirapalayam Police Station on 19.02.2016, stating among other things, that the first accused, viz., Marikannu, has kidnapped her and also prayed for appropriate action against him and as against others, based on which, a case in crime No.42/2016 was registered on the same day for the alleged commission of the offence u/s.366-A IPC.

2 This court has ordered notice to the learned Additional Public Prosecutor for production of the detainee and accordingly, the detainee was produced before this Court and on enquiry, she has stated that out of her own volition, she left her parental home with her relative and married him.

3 Learned Additional Public Prosecutor would submit that the detainee was secured and produced before the learned Judicial Magistrate, Kallakurichi, who asked the detainee to be confined at Home for the reason that the Habeas Corpus Petition is pending.

4 In the light of the above facts and circumstances, the Habeas Corpus Petition is disposed of and the respondent police, viz., the 2nd respondent herein, is directed to produce the detainee before the Court of Judicial Magistrate, Kallakurichi, who shall pass orders in accordance with law, as to the custody of the detainee Abirami.

AP

s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Kallakurichi.
2. The Chief Judicial Magistrate,
Kallakurichi (for information)
3. The Superintendent of Police
Villupuram District.
4. The Inspector of Police
Kachirapalayam Police Station
Villupuram District.
5. The Public Prosecutor,
High Court, Chennai.

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