

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-04-2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR. JUSTICE S. NAGAMUTHU

H.C.P.No.513 of 2016

S.Krishnamurthy

... Petitioner.

vs

The State rep. by its
The Inspector of Police,
Thiruvannamalai Town Police Station
Thiruvannamalai District.

... Respondents.

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondent police to produce the body of the petitioner's minor daughter Mageshwari, D/o.Krishnamurthy, aged about 17 years, before this Court and to set her at liberty.

For Petitioner : Mr.P.G.Perumal Pandian

For Respondents : Mr.V.M.R.Rajendren,
Addl. Public Prosecutor

O R D E R

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

The petitioner is the father of the detinue, viz., Mageshwari, aged about 17 years. According to the petitioner, the detinue Mageshwari, was doing her Xth standard in Government Girls School at Arani. She has been found missing from 12.02.2016 onwards. On a complaint made, a case has been registered in connection with the same in Crime No.130 of 2016 for "Girl Missing" on the file of the Thiruvannamalai Town Police Station. Since, the minor girl was not secured, the petitioner has come up with this petition, to direct the respondent police to produce the body of the petitioner's minor daughter Mageshwari, aged about 17 years, before this Court and to set her at liberty.

2. Today, when the matter was taken up, the respondent police produced the minor girl Mageshwari before this Court. The petitioner and his wife, by name, Dhavamani, also made appearance before this Court. They were represented by Mr.P.G.Perumal Pandian, a legal aid counsel.

3. Mr.V.M.R.Rajentren, the learned Additional Public Prosecutor, on instructions, would submit that the detainee Mageshwari, was secured at Munnar in Kerala, on 30.01.2016. She was also sent for medical examination. Based on the materials collected and the investigation done, the case was altered into one under Sections 366(A) and 376 IPC r/w. Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act, 2012). The accused Kumar was arrested and he has been remanded to judicial custody. The learned Additional Public Prosecutor would further submit that the victim minor girl Mageshwari was produced before the Judicial Magistrate No.I, Thiruvannamalai, who has entrusted the custody of the minor girl to her parents.

4. When we enquired the minor girl Mageshwari, she submitted that she wants to go and remain in a Governmental Home. The parents of the detainee would submit that, on one occasion, the detainee Mageshwari inflicted injury to herself, on her neck. These statements would indicate that the detainee requires effective counselling. Further, the safety and security of the detainee should be ensured.

5. Having regard to all the above, this Habeas Corpus Petition is disposed of, with the following directions:-

- i. The respondent/The Inspector of Police, Thiruvannamalai District, shall take the minor girl Mageshwari and produce her before the Special Court under the POCSO Act, 2012, Thiruvannamalai District, today itself.
- ii. The Special Judge under the POCSO Act, 2012, before whom, she is produced shall consider all the materials placed before him and shall also consider the statement of the detainee Mageshwari and her parents.
- iii. Having regard to the safety and security of the minor girl Mageshwari, the learned Special Judge under the POCSO Act, 2012, Thiruvannamalai District, shall pass appropriate orders regarding her custody and also for her effective counselling.
- iv. It is open for the learned Special Judge, to direct the Chairman, District Child Welfare Committee, to visit the minor girl and also to provide her effective counselling, through trained Counsellors.
- v. The Special Court shall be at liberty, to pass further orders in accordance with law.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar.

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To

1. The Inspector of Police,
Thiruvannamalai Town Police Station
Thiruvannamalai District.
 2. The Judicial Magistrate, No.1, Thiruvannamalai.
 3. The Special Judge, Special Court under the POCSO Act 2012,
Thiruvannamalai District.
 4. The Chairman,
District Child Welfare Committee,
Thiruvannamalai District.
 5. The Additional Public Prosecutor
High Court, Madras.
- + 1 cc to Mr.P.G.Perumal Pandian, Advocate Sr 21004 (11/4/16)

H.C.P.No.513/2016

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