

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.786 of 2016

V.Thilagavathi

..

Petitioner

vs.

1.State represented by
The Inspector of Police,
Town Police Station,
Arakkonam.

2.Appu

..... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the first respondent to produce the body of the detinue minor V.Bhakyasri, aged about 17 years daughter of Mr.Venkatesan, now kidnapped under the custody of the second respondent, namely Appu and set the detinue at liberty forthwith.

For Petitioner ... Mr.K.S.Purushothaman

For R.1 ... Mr.V.M.R.Rajentren,
Additional Public Prosecutor

For R.2 .. No Appearance

O R D E R

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

The petitioner is the mother of one V.Bhakyasri, aged about 17 years and her date of birth is 09.06.1999. On the allegation that V.Bhakyasri has been found missing from 29.03.2016 and she has been abducted by the second respondent, the petitioner has made a complaint to the respondent Police and on such complaint, the respondent Police registered a case in Crime No.245/2016 for "girl missing". Since, no further action has been taken in the said complaint, the petitioner is before this Court with his Habeas Corpus Petition.

2.Today, the respondent Police has produced the detenue before this Court. The petitioner is also present before this Court. On enquiry, the detenue would submit that she had married the second respondent on her own accord and she is living with him as his wife. She would further submit that she has not been illegally detained by anybody. The petitioner who is present in Court is not able to persuade the detenue to bring to her parental home. Further, the detenue is willing to stay in a Government home.

3.The learned Additional Public Prosecutor appearing for the first respondent would submit that the second respondent has been arrested in connection with the Prevention of Children from Sexual Offences Act, 2012 (POCSO Act) also. The said statement is recorded.

4.In view of the above, the Habeas Corpus Petition is disposed of with a direction to the first respondent to produce the minor girl/detenue before the Special Court under POCSO Act, Vellore and on such production, the learned Judge is directed to pass appropriate orders regarding her custody.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Special Judge,
(POCSO ACT) Vellore.

2.The Inspector of Police,
Town Police Station,
Arakkonam.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.S.Purushothaman, advocate,sr.41783

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