



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) No.1285 of 2016

K.Thavamani

: Petitioner

Vs.

1.The State Represented by its,
The Superintendent of Police,
O/o. The Superintendent of Police,
Theni District-625 512.

2.The Inspector of Police,
Andipatti Police Station,
Andipatti,
Theni District-625 512.

3.Mr.Vijayakumar

: Respondents

Prayer: Petition is 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 body of the petitioner's minor daughter, namely Pandeewari, aged about 14 years old, daughter of Thavamani before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.R.Karunanidhi

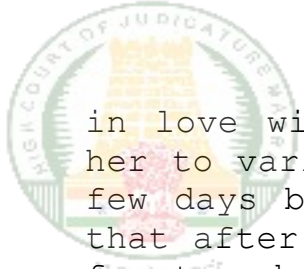
For Respondents 1&2 : Mr.A.Ramar,
Additional Public Prosecutor

ORDER

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

The petitioner is the father of one Pandeewari. Her date of birth is 19.01.2002 and thus, she has just completed 14 years of age. She was studying 10th standard. According to the petitioner, the third respondent has kidnapped her on 14.09.2016. On a complaint made by the petitioner, a case has been registered in Crime No.476 of 2016 on the file of the second respondent for girl missing. Since the girl was not secured, the petitioner has come up with the present Habeas Corpus Petition.

2. Today, when the Habeas Corpus Petition was taken up for hearing, the petitioner made appearance along with his wife. The second respondent produced the detenu Pandeewari. When we enquired her, she told that her date of birth is 19.01.2002 and she was studying 10th standard. She further stated that she fell



in love with the third respondent. The third respondent took out her to various places and stayed with her and finally, married her few days before at Samayapuram Mariamman Temple. She further told that after the marriage, the third respondent lived along with her for two days and thereafter, abandoned her. She further told that she is not willing to go with her parents, though her parents are willing to take her custody.

3. Whether she should be handed over to the custody of the petitioner or not, cannot be decided by this Court in this Habeas Corpus Petition, because the same has to be decided by the competent Court.

4. The second respondent would submit that the case would be altered into one under the provisions of Protection of Children from Sexual Offences Act, 2012 and the girl would be produced before the Special Court under the Protection of Children from Sexual Offences Act, 2012.

5. Therefore, we direct the second respondent to produce the detenu today itself before the Special Court under the Protection of Children from Sexual Offences Act, 2012, at Theni and on such production, the Special Court will decide about the custody of the child, namely Pandeewari.

6. The Habeas Corpus Petition is closed with the above direction.

Sd/
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Superintendent of Police,O/o. The Superintendent of Police, Theni District-625 512.
 - 2.The Inspector of Police, Andipatti Police Station, Andipatti, Theni District-625 512.
 - 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
 - 4 The Special Court under the Protection of Children from sexual offences Act.2012 at Theni.
- +1CC to M/S.R.Karunanidhi, Advocate, SR.No. 57400

Order made in
H.C.P. (MD) No.1285 of 2016