



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P.[MD].No.1561 of 2016

P.Murugan : Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai, Sivagangai District.

2.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.

3.R.Manikandan

4.Thennarasu : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondent Nos.1 and 2 to produce the body or person of the detenu, namely, Nivetha, D/o.P.Murugan, aged 15 years, detained illegally by the third and fourth respondents and set her at liberty.

For Petitioner : Mr.B.Thanga Aravindh

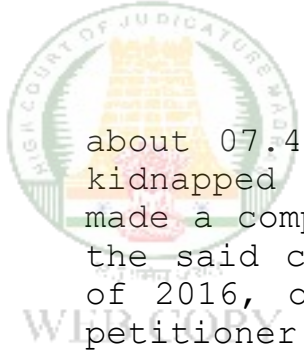
For Respondent Nos.1&2 : Mr.K.S.Duraipandian
Additional Public Prosecutor

O R D E R

[Order of the Court was made by R.SUBBIAH, J.]

The present Habeas Corpus Petition has been filed by the father of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenu, namely, Nivetha, aged about 15 years, before this Court and hand over her custody to him.

2. According to the petitioner, the detenu was studying 10th standard in Government Girls Schools at Singampunari. Every day, she used to go to school through Sevugaperumal Temple West Car Street. On 22.08.2016, as usual, she had been to the school. At



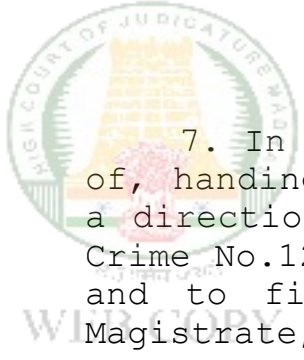
about 07.45 PM when she returned home, the respondent Nos.3 and 4 kidnapped her in a car. Immediately, thereafter, the petitioner made a complaint before the second respondent police. On receipt of the said complaint, the second respondent police issued CSR.No.208 of 2016, on 23.08.2016. However, the detenu was not secured. The petitioner has, therefore, come forward with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the detenu was produced before this Court by the second respondent police. On enquiry, the detenu stated that on 22.08.2016, when she was returning from school, she was forcibly abducted by the respondents 3 and 4 in a car and kept in a house for five days and thereafter, left her in a Home, known as "Nagu Illam" at Sivagangai. The detenu further stated that on an earlier occasion, the respondents 3 and 4 abducted her and left her in her relative's house and she was not tortured by them. The detenu further stated that she is willing to go along with her father, the petitioner herein.

4. When we enquired the father and the mother of the detenu, they stated that in respect of the earlier occurrence, a complaint was lodged and the police secured the detenu from her relative's house and simply closed the complaint, without taking any action against the respondent Nos.3 and 4. The parents of the detenu further stated that two criminal cases are pending against the respondent Nos.3 and 4 and they are history sheeted rowdies.

5. The learned Additional Public Prosecutor submitted that though on an earlier occasion, the complaint was closed, now a case has been registered against the respondent Nos.3 and 4 in Crime No.129 of 2016, under Section 366(A) of the Indian Penal Code and the respondents police would take steps to alter the case into one under the provisions of the Protection of Children from Sexual Offences Act, 2012 and proceed with the investigation.

6. In view of the said statements made by the parties, this Court is of the view that there is no need to pass any further orders, except to direct the respondents police to proceed with the case further. However, at the same time, this Court is inclined to express its displeasure over the attitude of the respondent police in not registering the case against the respondents 3 and 4 in respect of abduction of a minor girl, on an earlier occasion, which is highly condemnable. In our considered view, had action been taken against the respondents 3 and 4, on an earlier occasion, the present occurrence would not have taken place.



7. In view of the above, the Habeas Corpus Petition is disposed of, handing over the custody of the detenue to the petitioner with a direction to the respondents police to proceed with the case in Crime No.129 of 2016, expedite the investigation, complete the same and to file appropriate final report before the jurisdictional Magistrate, at the earliest.

Sd/-
Deputy Registrar (Admn.)

/True copy/

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Sivagangai, Sivagangai District.
- 2.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Thanga Aravind, Advocate in SR.No.80163

ORDER MADE IN
H.C.P.[MD].No.1561 of 2016
08.12.2016

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