



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.11.2016

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

H.C.P (MD) No. 488 of 2016

KANDHASAMY
S/O. PARAMASIVAM,
D.NO.6, INDRA COLONY,
KARUPPAMPATTI VILLAGE,
METTUPALAYAM POST,
MUSIRI TALUK,
TRICHY DISTRICT.

.. PETITIONER

vs .

1 THE SUPERINTENDENT OF POLICE,
TRICHY DISTRICT, TRICHY.

2 THE INSPECTOR OF POLICE,
THATHAIYANGARPETTAI POLICE STATION,
THATHAIYANGARPETTAI,
TRICHY DISTRICT.

3 MADHAN
S/O. KAMARAJ @ NEHRU
ANNA NAGAR, NAMAKKAL TOWN & TALUK,
NAMAKKAL DISTRICT.

4 KAMARAJ @ NEHRU
S/O. NOT KNOWN
ANNA NAGAR, NAMAKKAL TOWN & TALUK,
NAMAKKAL DISTRICT.

.. RESPONDENTS

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus directing the 1st and 2nd Respondents to produce the person or body of the detinue namely Sarmila daughter of Kandhasamy aged 17 years before this Honourable Court and handover the custody to the petitioner at liberty.

For Petitioner : Mr.A.Joel Paul Antony

For Respondents : Mr.A.Ramar for R1 & R2

Additional Public Prosecutor

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

The petitioner is the father of one Ms.Sharmila, whose date of birth is 25.07.1998. She completed 18 years of age only on 25.07.2016. When she was still a minor, she was found missing from 27.03.2016 onwards. In this regard, the petitioner made a complaint to the 2nd respondent, upon which, a case has been registered in Crime No.65/2016. Since the minor girl was not rescued by the 2nd respondent, the petitioner has come up with this petition.

2. Today, when the matter was taken up for hearing, the 2nd respondent produced the minor girl. She told us that she married the third respondent on 16.12.2015 and out of the wedlock, she has become pregnant also. Now, she wants to go only with the mother of the 3rd respondent, who is present before this Court. Since, as of now, she attained majority, she is set at liberty and she can decide about her future. But, at the same time, the investigation should go on against Mr.Madhan and anybody else, who involved in this offence, since as on 16.12.2015, on which date, the marriage is stated to be taken place between the detainee and Mr.Madhan/the third respondent, she was a child in terms of the Protection of Children from Sexual Offences Act, 2012.

3. With the above direction, this petition is closed.

Sd/-

Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

- 1 THE SUPERINTENDENT OF POLICE,
TRICHY DISTRICT, TRICHY.
- 2 THE INSPECTOR OF POLICE,
THATHAIYANGARPETTAI POLICE STATION,
THATHAIYANGARPETTAI, TRICHY DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

RR

TE/GSV-PM : 23/11/2016 : 2P/4C