



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2016**

CORAM:

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

H.C.P. [MD] .No.945 of 2016

Chinnappan : Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

3.Stephen : Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents police to produce the person or body of the petitioner's minor daughter, namely, Mari @ Arul Mary, aged 16 years, before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.T.A.Ebenezer

For Respondent Nos.1 and2 : Mr.A.Ramar
Additional Public
Prosecutor

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner is the father of one Mari @ Arul Mary, whose date of birth is 04.05.2002. Thus, she is hardly 14 years old. According to the petitioner, on the allegation that she has been found missing and suspecting that the third respondent would have taken her, the petitioner made a complaint to the police. Since the detenu was not secured, the petitioner has come up with this Habeas Corpus Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Today, when the Habeas Corpus Petition was taken up for



hearing, the petitioner appeared before this Court, along with his counsel. The second respondent produced the minor girl, namely, Ms.Mari @ Arul Mary. When we enquired, she stated that she has been studying 9th standard in Child Jesus Higher Secondary School, Palayamkottai, Tirunelveli District. She further stated that one Chinnasamy met her in the school, deceived her and took her to Thiruppur. He lived with her for ten days in Thiruppur and thereafter, he escaped.

3. Since there appears to be a case for investigation under the Provisions of the Protection of Children from Sexual Offences Act, 2012, we direct the second respondent police to alter the case in Crime No.779 of 2016 under the provisions of the Protection of Children from Sexual Offences Act, 2012. We further direct the second respondent to take the detenu and produce her before the Court under the Protection of Children from Sexual Offences Act, 2012 at Tirunelveli. The said Court shall pass appropriate orders regarding the custody of the detenu. Since the detenu wants to go back with her parents, the said Court may consider the said statement of the detenu and pass appropriate orders. The second respondent is directed to proceed with the investigation further.

4. The Habeas Corpus Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

3.The Judge,
Special Court for Protection of Children from Sexual Offences
Act, Tirunelveli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to M/S.T.A.Ebenezer, Advocate in SR.No.53373

NB

CSL/SS-3/SAR-2/19.09.2016: 2P/6C