

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.474 of 2017

R. Shankar .. Petitioner
Vs

1.State rep by
The Inspector of Police,
P.5, M.K.B Nagar Police Station,
Vyasarpadi,
Chennai - 39

2. T. Mani @ Manimaran ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus of any other appropriate writ or directing the respondent to produce the petitioner Minor daughter Nivedha, daughter of R. Shankar, aged about 17 years before this Court and hand over the custody of minor daughter Nivedha to him.

For Petitioner : Mr.A. Tamilvanan

For 1st respondent : Mr.V.M.R. Rajentren
Additional Public Prosecutor

सत्यमेव जयते
ORDER

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

The petitioner is the father of one Nivedha, aged about 17 years. Her date of birth is 13.06.1999. She was doing I year B.Com., in the local college. According to the petitioner, the minor Nivedha was found missing from 21.03.2017 onwards. In this regard, the petitioner has made a complaint to the police. Since the girl was not secured, the petitioner has come up with this habeas corpus petition.

2. Today, when the matter is taken up, the minor girl was produced before us. She told that she had fallen love with the second respondent and she went along with him and stayed at Yercaud in a house. She further told us that before going to Yercaud, the second respondent married her by tying thali in a temple at Red Hills and then stayed at Yercaud for three days. During the period, the second respondent had sexual intercourse with the minor girl. Now, she wants to go with her parents. The said statement is recorded. The petitioner also told us that he is willing to take the minor girl with him. The Inspector of Police, M.K.B Nagar Police Station, who produced the minor girl, told us that the case will be duly altered to one under the provisions of Protection of Children from Sexual Offences Act, 2012 and further investigation would be done in the matter. The same is recorded.

3. In view of the same, this habeas corpus petition is disposed of with a permission to the petitioner to take the minor girl with him in his custody. It is further directed that the minor girl shall be produced before the Special Court under the Protection of Children from Sexual Offences Act, 2012, on 10.04.2017 and the Special Court under the Protection of Children from Sexual Offences Act, 2012 shall pass further orders regarding the custody of the minor girl.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sr/jer

To

1. The Inspector of Police,
P.5, M.K.B Nagar Police Station,
Vyasarpadi,
Chennai - 39
2. The Public Prosecutor,
High Court, Madras.

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SSI(CO)
EU 5.4.17