

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2017

CORAM

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

H.C.P No.495 of 2017

Thiru P.Krishnan ..... Petitioner  
Vs

1.The Superintendent of Police,  
Office of the S.P,  
Salem District.

2.The State rep. By  
The Inspector of Police,  
Dheevattipatti Police Station,  
Omalur, Salem.

3.Ragunath ..... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents 1 & 2 to produce the petitioner's daughter K.Gowri aged 16 years either in body or person before this Court and set her at liberty.

For Petitioner : Mr.Thangavadhanabalakrishnan

For RR1 & 2 : Mr.V.M.R.Rajentren,  
Additional Public Prosecutor

O R D E R

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

The petitioner is the father of one Ms.K.Gowri, aged 16 years. Her date of birth is 21.07.2000. She has just completed XII course and she is waiting for her results. Since, she has been found missing from 21.03.2017 onwards, the petitioner has come up with this Habeas Corpus Petition.

2.Today, when the matter was taken up for hearing, the detinue was produced before this Court by the second respondent Police. The detinue told us that after writing her XII last examination on 21.03.2017, she went along with the third respondent and the third respondent married her on 23.03.2017 and kept her somewhere and had sexual intercourse with her for about a month. Thereafter, according to the detinue, having learnt that the Police was in search of them, he took the detinue to Dharmapuri and dropped her at the bus stop and fled away. Thereafter, she has gone to the Police Station. She told us that now, she wants to go along with her parents.

3.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the third respondent has been arrested and remanded to judicial custody and the case has been now altered into one under the provision of the Protection of Children from Sexual Offences, Act. He would further submit that the investigation is in progress.

4.The petitioner and his wife have also made appearance before this Court today. They told us that they would take care of the detinue by keeping her in their custody. The said statement is recorded.

5.In view of the above, we entrust the custody of the minor girl/detinue to the petitioner herein and his wife. The petitioner shall keep the detinue without causing any harm, either physical or mental, to her. The Chairman, District Child Welfare Committee, Salem District shall visit the house of the petitioner periodically, and give counselling to the detinue and her family members, so as to ensure the safety of the detinue. The custody of the detinue to the petitioner is purely temporary and if the Chairman, District Child Welfare Committee feels that if the detinue is not safe in the custody of the petitioner, he/she at liberty to change the custody of the detinue according to law.

With the above directions, the Habeas Corpus Petition is disposed of.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Superintendent of Police,  
Office of the S.P,  
Salem District.

2.The State rep. By  
The Inspector of Police,  
Dheevattipatti Police Station,  
Omalur, Salem.

3.The Chairman,  
District Child Welfare Committee,  
Salem District.

4.The Public Prosecutor,  
High Court, Chennai.

+1cc to Mr.Thangavadhanabalakrishnan, Advocate Sr.25632

H.C.P.No.495 of 2017

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srg 24/05/2017



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