

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.537 of 2017

Mrs.R.Kalaiyarasi .. Petitioner

Vs

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

2.The Deputy Superintendent of Police,
Jeyankondam,
Ariyalur.

3.The Inspector of Police,
Irumbulikurichi Police Station,
Ariyalur District.

4.S.Deelipan

5.Selvaraj .. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the respondents herein to produce the body and person of the detenu by name minor R.Ramya daughter of the petitioner herein, aged about 17 years who has been illegally detained under the custody of the fourth and fifth respondents herein before this Court and set her at liberty.

For Petitioner : Mr.N.Naganathan

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 mother of one minor girl, Ms.R.Ramya, aged about 17 years. Her date of birth is 31.10.2000. Since, she has been found missing from 11.03.2017 onwards, the petitioner has lodged a complaint before the respondent Police.

2.The third respondent has registered a case on the complaint of the petitioner in connection with the above occurrence. Since, during the course of investigation, the detainee was not secured by the Police, the petitioner has come up with this Habeas Corpus Petition.

3.Today, when the matter was taken up for hearing, the third respondent produced the detainee before us. She told us that she was studying in a local school in XI Standard. She used to go to the house of the respondents 4 & 5 for drinking water. At that time, the fourth respondent proposed her; took her to Kerala; married her and lived along with her as her husband for a month period. During the said period, the fourth respondent had repeated sexual intercourse with her. The fifth respondent is the father of the fourth respondent. The fifth respondent is an accused in a murder case. The third respondent, Inspector of Police would submit that the fifth respondent surrendered before him as he is also accused in this case. However, the fourth respondent has not been so far secured. The third respondent, Inspector of Police would submit that steps are being taken to arrest the fourth respondent herein. The said statement is recorded.

4.The detainee would told us that she is now willing to go along with her mother, the petitioner herein. The petitioner is also willing to take her back and to keep her safely. The said statement is also recorded.

5.In view of the above, we entrust the custody of the minor girl/detainee to the petitioner herein. The petitioner shall keep the detainee without causing any harm, either physical or mental, to her. The Chairman, District Child Welfare Committee, Ariyalur District shall visit the house of the petitioner periodically, and give counselling to the detainee and her family members, so as to ensure the safety of the detainee. The custody

of the detainee to the petitioner is purely temporary and if the Chairman, District Child Welfare Committee feels that if the detainee is not safe in the custody of the petitioner, he/she at liberty to change the custody of the detainee according to law.

With the above observations, the Habeas Corpus Petition is closed.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

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

2.The Deputy Superintendent of Police,
Jeyankondam,
Ariyalur.

3.The Inspector of Police,
Irumbulikurichi Police Station,
Ariyalur District.

4.The Chairman,
District Child Welfare Committee,
Ariyalur District.

5.The Public Prosecutor,
High Court, Chennai.

+1cc to MR.N.NAGANATHAN Advocate SR.NO. 25819/17

H.C.P.No.537 of 2017

SJ(CO)
T.R (15/05/2017)