

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

CORAM

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

Habeas Corpus Petition No.1095 of 2016

Ramasamy [Died]  
Tmt. Manimegalai\*

[\*Impleaded as per order of this court dated  
13.03.2017 in Crl.M.P.No.3660 of 2017] .... Petitioner

-Versus-

1. The Superintendent of Police,  
Cuddalore District, Cuddalore.
2. The Inspector of Police,  
Pennadam Police Station,  
Pennadam, Cuddalore District.
3. Manivel\*

[\* This respondent was substituted in the place of  
M.Ramasamy who was originally arrayed as 3rd respondent, as  
per the order of this court dated 19.10.2016 made in  
Crl.M.P.10948 of 2016]

... Respondents

This petition filed under Article 226 of the Constitution  
of India praying for issuance of a Writ of Habeas Corpus  
directing the respondents 1 and 2 to produce the body of the  
detenue minor-Revathy, daughter of the petitioner, aged about  
16 years, now under the illegal custody of the 3rd respondent  
and set her at liberty.

For Petitioner : No Appearance

For Respondents : Mr.V.M.R.Rajentren, APP  
for R1 and R2

ORDER

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

The petitioner is the mother of the minor detenue one  
Miss.Revathy, daughter of Ramasamy. Her date of birth is  
23.07.2000. Thus, she has not completed eighteen years of  
age.

2. This habeas corpus petition was originally filed by her father - Ramasamy on 24.05.2016. Since Mr.Ramasamy died during the pendency of the habeas corpus petition, her mother was impleaded.

3. This habeas corpus petition has been pending from May, 2016 onwards. It came up for hearing on several occasions. Every time, the police appeared and took time for the production of the minor detainee. Lastly, when the matter came up for hearing on 28.03.2017, we passed the following order:-

"The minor girl viz., Revathy, for whose protection this Habeas Corpus Petition has been filed, is missing from 18.12.2015 onwards. At the time of missing she was hardly 16 years old. A complaint was made as early as on 20.12.2015. Since there was no progress made by the police to secure the girl, the present Habeas Corpus Petition was filed in the month of May, 2016.

2. Though this petition came up for hearing on several occasions, the girl was not produced after securing her. Lastly, when the matter was taken up on 13.03.2017, the learned Additional Public Prosecutor, narrated the steps taken by the respondent police to secure the detainee. At his request, the matter was adjourned by two weeks.

3. Even today, the very same story is repeated and it appears that no effective steps have been taken by the respondent police to secure the detainee. The inaction of the police is highly deplorable. It is really shocking that the police is not able to secure the girl for two years. Therefore, we have no option to direct the Superintendent of Police, Cuddalore, to be present before this court on 03.04.2017 and on that day the girl shall be produced before this court."

4. Today, the minor detainee has been produced by the 2nd respondent. It is our experience that as and when we issued directions for the appearance of the Superintendents of Police concerned in the habeas corpus petitions, the steps are taken only thereafter and then, the missing minor detainees are produced before this court which shows that until such directions issued, no effective steps are taken by the other officers to trace out the minor detainees. The instant case is a classic example of the same.

5. Curiously, today, when the minor detainee was produced before the court, she carried a child of her own, three months old and the child was born out of the alleged marriage between Manivel, the 3rd respondent herein and her. We have been informed that the 3rd respondent has now been arrested and

remanded to judicial custody on the allegation that he committed an offence punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

6. The 2nd respondent would submit that the 3rd respondent was already married having a child. Later on, he abducted a married woman and in connection with the same, there was a case registered against him. In connection with the said case, he was arrested and, later on, released on bail. It was thereafter he has lured the minor detenue, took her and spoiled her.

7. In our considered view, stringent action need to be taken against the 3rd respondent in accordance with law. So far as the custody of the minor detenue is concerned, her mother-Manimegalai, who is present before the court would state that she would take both the minor detenue and her child, aged three months and keep and maintain them properly. The said statement is recorded.

8. In view of the above, the habeas corpus petition is disposed of permitting the petitioner to take her daughter, the minor detenue - Revathy along with the child of the detenue, aged 3 months born to the detenue in safe custody. The respondent police shall proceed with the investigation in accordance with law.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The Superintendent of Police,  
Cuddalore District, Cuddalore.
2. The Inspector of Police,  
Pennadam Police Station,  
Pennadam, Cuddalore District.
3. The Public Prosecutor,  
High Court, Madras.

H.C.P.No.1095 of 2016

NM I (CO)  
CA(05/04/2017)