

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.03.2017

CORAM

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

H.C.P No.2063 of 2016

V. Kothandapani .. Petitioner /
Father of the Detenu
Vs

1. The Superintendent of Police,
O/o. Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai - 606 001.
2. The Inspector of Police,
Thachampattu Police station,
Tiruvannamalai District.
(2nd respondent deleted as per
order dated 21.9.2016 in HCP 2063 of 2016)
3. The Inspector of Police
All Women Police Station,
Tiruvannamalai District
- 4.B.Balamurugan
- 5.V.Balashanmugam
- 6.B.Mala

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the third respondent to produce the petitioner's minor daughter namely minor Kamalaveni, D/o.V.Kothandapani, aged about 17 years, residing at Main Road, Gandhisilai Street, Pazhaiyanur Village, Thiruvannamalai Taluk & District from the illegal custody of the respondents 4 to 6 before this Court and hand over her custody to the petitioner herein.

For Petitioner : Mr.S.Kumara Devan

For Respondents: Mr.V.M.R. Rajentran

Addl. Public Prosecutor (For R1 & R3)

ORDER

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

The petitioner is the father of one Minor Kamalaveni (hereinafter referred to as "the detainee"), aged 17 years. According to the petitioner, the 4th respondent kidnapped the detainee on 04.06.2015 and on the complaint made by the petitioner, a case was registered in Crime No.21 of 2015 under Sections 366A, 376 of IPC and Section 8 of POCSO Act against the 4th respondent. In connection with the said case, the 4th respondent was arrested and later on, released on bail. On account of the sexual assault made by the 4th respondent on the detainee, she became pregnant.

2.The detainee was produced before the Division Bench of this Court on 29.11.2016 and she informed the Court that she was not willing to go with the petitioner, namely, her father, but she preferred to be in the Home for Children. She also found to be in the advanced stage of pregnancy. Therefore, this Court directed to be kept at the Government Approved Home, namely, Terrdes Homes Core Trust, No.102, Perumbakkam Road, Tiruvannamalai, until further orders.

3.Today (14.03.2017), when the matter was taken up, we were informed by the learned Additional Public Prosecutor, on instructions from the Inspector of Police that the detainee has given birth to a child and both are safe in the Home.

4.In our considered view, any further order regarding the custody of the detainee, namely, Minor Kamalaveni and her child is a matter to be considered by the Special Court under POCSO Act and other authorities concerned. Therefore, we are inclined to close this Habeas Corpus Petition, however, with a direction to the third respondent to produce the detainee Minor Kamalaveni along with her child (new born baby) before the Special Court under POCSO Act at Tiruvannamalai on 27.03.2017. The Special Court under POCSO Act shall be at liberty to pass any order in accordance with law considering the welfare of the detainee and also her new born baby.

5.With the above direction, this Habeas Corpus Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cse

To

1.The Superintendent of Police,
O/o. Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai - 606 001.

2.The Inspector of Police
All Women Police Station,
Tiruvannamalai District

3.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.Kumaradevan, Advocate, S.R.No.15849

H.C.P No.2063 of 2016

EV(CO)
RS(10/04/2017)

सत्यमेव जयते

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