

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2017

CORAM:

**THE HON 'BLE MR.JUSTICE S.NAGAMUTHU
AND
THE HON 'BLE DR.JUSTICE ANITA SUMANTH**

Habeas Corpus Petition No.2216 of 2016

Karuppasamy

... Petitioner

Vs

1. The State, Rep. By Inspector of Police,
Puliampatti Police Station,
Erode District
2. Anandkumar
3. Mani @ Palanisamy

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India to direct the first respondent to produce the detenue, Minor.K.Soundarya, aged about 17½ years bodily or in person, before this Court and set her at liberty.

For Appellants	: Mr. N.Chinnaraj
For Respondents	: Mr. V.M.R.Rajendran
	A.P.P., for R-1

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ORDER

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

The petitioner is the father of one Miss.K.Sowndarya, whose date of birth is 25.01.1999. According to the petitioner, Miss.K.Sowndarya went to her college on 06.10.2016 at 08.00 am, and in the evening, she did not return. He went in search of her to various places, but could not find her. Hence, he made a complaint

to the Police, upon which, a case has been registered in Crime No.245 of 2016 for 'Girl Missing'. The case is under investigation. Since the missing girl was not rescued, the petitioner filed the Habeas Corpus Petition, on 13.10.2016.

2. Though this Habeas Corpus Petition came up for hearing on 14.10.2016, 18.11.2016 and 14.12.2016, before this Court, the first respondent / Inspector of Police, did not produce the girl.

3. Today, the learned Additional Public Prosecutor made a mention that the detainee has come to appear before the Court. He wanted the case to be listed. Accordingly, the case was listed in the Special List and taken up at 01.00 pm.

4. The learned counsel appearing for the petitioner submitted that the petitioner was not present in-person, as he was in Erode District. The detainee appeared before us. One Mr.K.R.Somasundaram, an Advocate, a Member of the Gobichettipalayam Bar Association and who is practising before the Courts in Gobichettipalayam, appeared before us. He produced the xerox copies of the petition filed by the detainee, on 03.03.2017, before the learned Judicial Magistrate, Sathyamangalam, with an affidavit. The prayer in the petition is to accept the surrender of the

detenue. The learned Magistrate has returned the same. Thereafter, according to him, he has brought the girl to this Court for making her appear. He has identified the detenue also.

5. Whether the averments made in the affidavit filed before the lower Court by the detenue contained the truth or not, is a matter for verification. She would state before us also that she was not kidnapped by Mr.Anandkumar, as it is alleged.

6. Whether the girl was kidnapped or not and whether any other offence has been committed on her is a matter for investigation.

7. Mr.K.R.Somasundaram, Advocate, would submit that he would accompany the detenue to Gobichettipalayam and produce her before the Inspector of Police, by 10.03.2017, for further proceeding, in the matter.

8. Therefore, we close this Habeas Corpus Petition, with liberty to the first respondent / the Inspector of Police, to further investigate the matter thoroughly and if need be, to produce her before the learned Magistrate before the appropriate Court for recording of statements and also for medical examination.

(S.N. J.,) (A.S.M. J.,)
09.03.2017

Index : Yes / No

Web : Yes / No

srk / msv

Note to office.: Issue order copy on 09.03.2017

S.NAGAMUTHU, J.,
and
ANITA SUMANTH, J.,

srk / msv

To

1. The Inspector of Police, Puliampatti Police Station, Erode District
2. The Public Prosecutor, High Court, Madras.

H.C.P.No.2216 of 2016

07.03.2017
<http://www.judis.nic.in>