

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.2226 of 2016

K.Renu

... Petitioner/
Father of Detenue

-Versus-

1. State Rep. by its
Superintendent of Police,
Vellore District,
Vellore.
2. State Rep. by its
Inspector of Police,
Sholinghur Police Station,
Vellore District.
3. P.Vignesh ... 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 R.Vinitha, aged about 17 years, now under the custody of the 3rd respondent and set her liberty forthwith.

For Petitioner : Mr.D.Dayalan

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor
for R1 and R2

ORDER

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

The petitioner is the father of the minor detenue Miss.R.Vinitha. Her date of birth is 04.06.2000. Thus, the minor detenue is a child in terms of the Protection of Children from Sexual Offences Act, 2012. According to the petitioner, the minor detenue was found missing from 07.10.2016 onwards. According to the petitioner, the 3rd respondent had kidnapped her. On a complaint made by the petitioner, a case was registered in Crime No.433 of 2016 for offence under Section 363 of IPC on the file of the Sholinghur

Police Station. Since the minor detainee was not secured, the petitioner has come up with the present petition.

2. Today, when the matter was taken up, the minor detainee was produced by the 2nd respondent. She told us that the 3rd respondent took her on 07.10.2016 and married her on the same day and from then onwards, she is living with him as his wife. She would further state that the 3rd respondent had sexual intercourse with her.

3. The 2nd respondent would submit that now the case has been altered into one under the provision of The Protection of Children from Sexual Offences Act, 2012 and the 3rd respondent has been arrested and remanded to judicial custody.

4. The petitioner and his wife are present. They would submit that they would take care of the minor detainee. The detainee is also willing to go and live with her parents. The said statement is recorded.

5. In view of the above, we permit the petitioner to take the minor detainee into his custody for three days. Thereafter, the 2nd respondent shall produce the minor detainee before the Special Court constituted under The Protection of Children from Sexual Offences Act, 2012 and the Special Court shall, in turn, pass further orders regarding the custody of the minor detainee in accordance with law. This Habeas Corpus Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kmk

To

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

H.C.P.No.2226 of 2016

NM I(CO)
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