

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.03.2017

CORAM

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

H.C.P No.2263 of 2016

S. Ramachandran

.. Petitioner

Vs

1. The Superintendent of Police,
Tiruvallur District

2. The State of Tamilnadu
represented by The Sub Inspector of Police,
D-6 Police Station,
Podhaturpettai-631 208
Tiruvallur District

3. The Inspector of Police,
R.K. Pettai Police Station,
Pallipattu Taluk,
Tiruvallur District

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus of any other writ of direction to produce the minor daughter detenue namely R. Bhuvaneswari, 16 years, residing at 538, Yadavar Street, Bommarajapettai Village, Pallipattu Taluk, Tiruvallur District before this Court.

For Petitioner : Mr.S. Loganathan
For respondents : Mr.V.M.R. Rajendran
Addl. Public Prosecutor

ORDER

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

The petitioner is the father of one R. Bhuvaneswari, aged 16 years . She is doing plus one (+1) course in a local School. According to the petitioner, she has been found missing from 07.09.2016 onwards. In this regard, on a complaint made by the petitioner, a case in Cr.No.255/2016 was registered for "Girl Missing". Since the detainee has not been secured, the petitioner has come up with this Habeas Corpus Petition.

2. When this matter came up for hearing on several occasions, the girl was not produced before this Court. When this matter came up for hearing on 17.03.2017, this Court directed the Inspector of Police to produce the girl within ten days from the date of the order and on failure of the Inspector of Police, the Superintendent of Police, Tiruvallur shall appear before this Court.

3. Today, the Inspector of Police has produced the minor girl.

We enquired her. She told us that when she was going to school, one Raghu, a resident of the same village, used to stalk her and at one stage, he lured her, took her away, married her and kept her in Coimbatore and committed penetrative sexual assault on her. She is not able to say now whether she is pregnant or not, though there is symptoms of pregnancy. It is for the Police to enquire and ascertain the status in consultation with the Government Medical Officer. The detainee further told that now she is willing to and live with the petitioner.

4. The said statement is recorded. We are informed by the Inspector of Police that Raghu was arrested by the Police and remanded to custody and now the case has been altered to one under The Protection of Children from Sexual Offences Act, 2012. Therefore, we are closing the Habeas Corpus Petition with a direction to the second respondent to produce the girl before the Special Court under the Protection of Children from Sexual Offences Act, 2012, Tiruvallur District within five days from today. The Special Court under the Protection of Children from Sexual Offences Act, 2012, Tiruvallur shall pass necessary orders regarding the custody of the child. Until her

**S. NAGAMUTHU,J.,
AND
Dr.ANITA SUMANTH,J.,**

sr/jer

custody is decided by the Special Court under the Protection of Children from Sexual Offences Act, 2012, Tiruvallur, the girl shall be kept in the custody of the petitioner and his wife. With the above direction, the habeas corpus petition is closed.

(S.N.J.,) (A.S.M.J.,)
27-03-2017

Speaking Order/non-speaking order

Index : Yes/no

Internet : Yes/no

sr/jer

Note: Issue Order copy on 28.03.2017

To

1. The Superintendent of Police,
Tiruvallur District
2. The State of Tamilnadu
represented by The Sub Inspector of Police,
D-6 Police Station,
Podhaturpettai-631 208
Tiruvallur District
3. The Inspector of Police,
R.K. Pettai Police Station,
Pallipattu Taluk,
Tiruvallur District
4. The Public Prosecutor, High Court, Chennai.

HCP No.2263 of 2016

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