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.2327 of 2016

C.Srinivasan

... Petitioner

-Versus-

1.The Superintendent of Police,
O/o Superintendent of Police,
Vellore District.

2.The Inspector of Police,
Thakkolam Police Station,
Vellore District.
[Crime No.249 of 2016]

3.Sugumar

... Respondents

This petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus calling for the records relating to the case in Crime No.249 of 2016 on the file of the 2nd respondent dated 16.10.2016 and to direct the respondents 1 and 2 to produce the petitioner's minor daughter - the detenue Nirmala Devi, aged about 17 years who is in the illegal custody of the 3rd respondent and handover her custody to the petitioner.

For Petitioner : Mr.S.Silambu Selvan

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

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ORDER

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

The petitioner is the father of one Nirmala Devi, the detenue herein, aged 17 years. According to the petitioner, she has been found missing from 15.10.2016. He has further alleged that the 3rd respondent had kidnapped her.

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2. Today, when the matter was taken up for hearing, the 2nd respondent produced the detenue before this court. However, the petitioner has not made appearance. The detenue told us that her date of birth is 09.03.1999 and she has now completed 18 years of age. He would further submit that she had fallen in love with the 3rd respondent. The 3rd respondent took her and married her on 10.11.2016 and through the said wedlock now she is pregnant by six months. The 2nd respondent would submit that the third respondent has been arrested and forwarded to the court for judicial remand for the offence punishable under the provisions of the Protection of Children from Sexual Offences Act, 2012.

3. Since the detenue is willing to go and live at her own wish, we are not issuing any direction regarding her custody. We set her at liberty. This habeas corpus petition is closed accordingly.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

kmk

To

1.The Superintendent of Police, Vellore District.

2.The Inspector of Police, Thakkolam Police Station,
Vellore District.

3.The Public Prosecutor, High court, madras.

H.C.P.No.2327 of 2016

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