

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.03.2017

CORAM

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

H.C.P No.2448 of 2016

Ramalingam .. Petitioner
Vs

1. The Superintendent of Police,
Kanchipuram District,
Kanchipuram.

2. State rep by
The Inspector of Police,
Salavakkam Police Station,
Kanchipuram District.

3. Sarathkumar ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 2nd respondent herein to produce the body and person of the detainee by name Revathi daughter of Ramalingam, aged about 17 years before this Court and set her at liberty.

For Petitioner : Mr.J.Miilton Arul Rajendren

For respondents : Mr.V.M.R. Rajentren
Additional Public Prosecutor

ORDER

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

The petitioner is the father of one Revathi. Her date of birth is 14.05.1999 and thus, she is a child in terms of The Protection of Children from Sexual Offences Act. According to the petitioner, the detainee was kidnapped by the third respondent on 14.10.2016. On a complaint made by the petitioner, a case in Cr.No.372 of 2016 was registered for the offence of 363 IPC. Since the girl was not secured, the petitioner has come up with this present habeas corpus petition.

2. Though this matter has been taken up for several occasions, every time, the Investigating Officer took time, assuring this Court that he would produce the girl, but it did not happen. Therefore, on 09.03.2017, this Court made an observation that in the event, the girl was not produced on or before 16.03.2017, the Superintendent of Police should appear.

3. Today, when the matter has been taken up for hearing, the detainee was produced by the Inspector of Police. She told us that her date of birth is 14.05.1999. She further told us that she had fallen love with the third respondent on her own accord and married the third respondent on 18.10.2016 and from then onwards, she was living with the third respondent at Kerala. Out of the wedlock, the girl is now five months pregnant. Anyhow, she has not completed eighteen (18) years.

4. Though she expressed her willingness to go with her parents, neither the petitioner nor mother of the girl appeared. Therefore, we direct the second respondent to produce the detainee before the Special Court for The Protection of Children from Sexual Offences Act, 2012, Villupuram, on 03.04.2017 (Monday) for further orders regarding the custody of the child.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Kanchipuram District,
Kanchipuram.
2. The Inspector of Police,
Salavakkam Police Station,
Kanchipuram District.
3. The Judge,
Special Court for the protection from sexual offences,
Villupuram.
4. The Public Prosecutor, High Court, Chennai.

H.C.P.No.2448 of 2016

RJ(CO)
GN(28/03/2017)