

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

H.C.P.No.2511 of 2016

Chinnabairappa ... Petitioner

Vs

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

2.State by
The Inspector of Police,
All Women Police Station,
Krishnagiri District.

3.Siva ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents herein to produce the body and person of the detenu, by name, Bhavya, aged about 16 years, minor girl, before this Court and to hand over her custody to the petitioner.

For Petitioner :Mr.P.M.Jayachandran

For Respondents:Mr.V.M.R.Rajentren
Additional Public Prosecutor
for RR1 and 2

ORDER

[Order of the Court was made by M.V.MURALIDARAN, J.]

One Chinnabairappa, the petitioner herein, has filed this Habeas Corpus Petition, seeking direction to the respondents to produce the detenu, by name, Bhavya, aged about 16 years, before this Court and to hand over her custody to the petitioner.

2 The petitioner alleges that his daughter, by name, Bhavya, aged about 16 years, was missing from 31.10.2016. He had given a complaint, on 1.11.2016, to the second respondent police, about the missing of his minor daughter. He had further stated that one Siva, son of Manikkam, the third respondent herein, had kidnapped his minor daughter. Pursuant to the complaint, a case had been registered, in Crime No.18 of 2016, under Section 366A of the Indian Penal code. Since the respondent police had not taken sufficient steps to trace the detainee, the petitioner has preferred the present Habeas Corpus Petition, before this Court.

3 Since the detainee was produced before this Court, this matter was taken up today by way of a special list.

4 The learned Additional Public Prosecutor, appearing on behalf of the respondents 1 and 2 had submitted that the detainee had been kept in Kamala Nehru Siruvar Illam, Rasi Street, Krishnagiri, and had been produced before this Court.

5 On enquiry, the detainee, namely, Bhavya, had stated that she had married the third respondent Siva, the third respondent herein. The said Siva had been arrested and remanded to judicial custody. The detainee had further stated that she is willing to go along with her father, the petitioner herein.

6 In such circumstances, we find it appropriate to permit the detainee, Bhavya, to go along with her father, the petitioner herein, as per her wish. Accordingly, a direction is issued to the second respondent police to take the detenu, Bhavya, to Kamala Nehru Siruvar Illam, Rasi Street, Krishnagiri, where she had been kept. A direction is also issued to the Home, namely, Kamala Nehru Siruvar Illam, Rasi Street, Krishnagiri, to hand over the custody of the detainee, Bhavya, to her father, the petitioner herein, on production of proper identification. This Habeas corpus Petition stands closed, with the above directions.

Sd/-
Assistant Registrar(CO)

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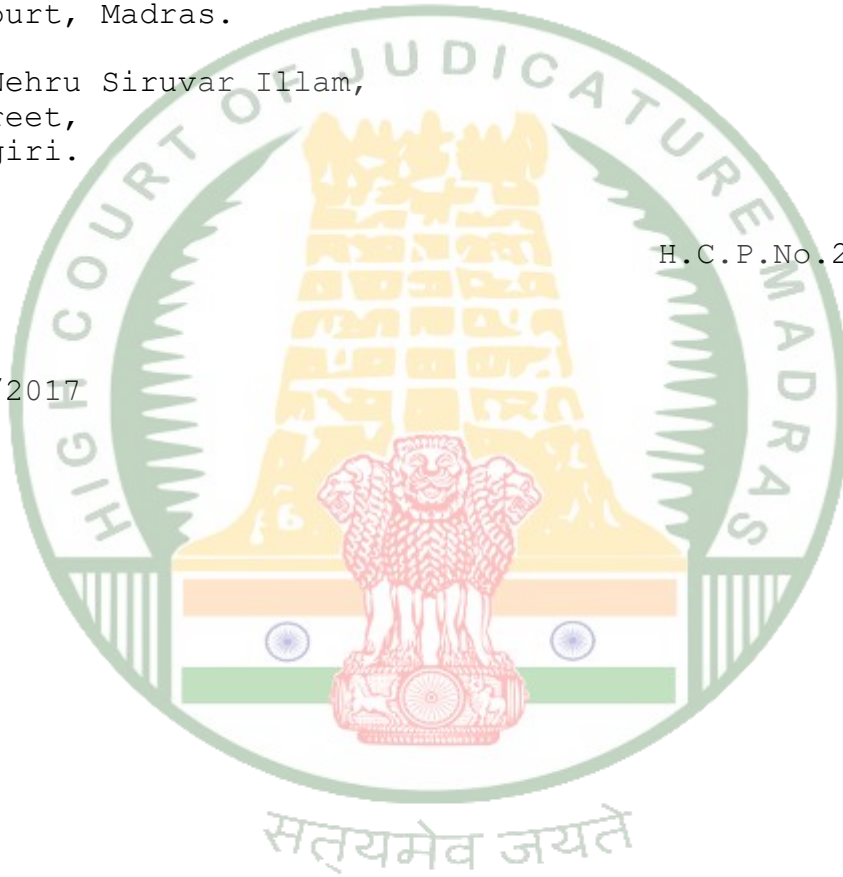
Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
- 2 The Inspector of Police,
All Women Police Station,
Krishnagiri District.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.Kamala Nehru Siruvar Illam,
Rasi Street,
Krishnagiri.

H.C.P.No.2511 of 2016

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