



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P (MD) No.1236 of 2014

Sermalai ... Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.

2.The Superintendent of Police
Office of the Superintendent of Police,
Dindigul District.

3.The Inspector of Police,
Kannivadi Police Station,
Dindigul.

4.The Superintendent of Police,
Anti-human trafficking Unit of
CBCID

... Respondents

(R4 is suo motu impleaded as
respondent as per order made
in HCP(MD).No.1236 of 2014
vide order dated 14.12.2016
by RPSJ and JNBJ)

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the person and body of the detenu, by name, Muthulakshmi daughter of Sermalai, aged about 15 years, before this Court and hand over the custody of the detenu to the petitioner.

For petitioner : Mr.R.Alagumani

For respondents : Mr.K.S.Duraipandian
Additional Public Prosecutor

**ORDER**

[Order of the Court by **R. SUBBIAH, J.**]

This Habeas Corpus Petition has been filed by the petitioner directing the respondents to produce the person and body of the detenu, by name, Muthulakshmi, daughter of Sermalai, aged about 15 years, before this Court and hand over the custody of the detenu to him.

2. The petitioner is the father of the detenu. In the affidavit, it is averred that the detenu was taken care of his wife's sister, by name, Muthammal, at Kannivadi, from where the detenu was attending the classes for S.S.L.C.Examination. While so, on 10.06.2014, the petitioner received a call from his cousin, by name, Alagar, stating that his daughter was missing. The petitioner attempt to find out her daughter went in vain. Immediately, a compliant was lodged with the third respondent police and a first information report came to be registered in Crime No.109 of 2014 for 'girl missing'. Since no effective steps have been taken by the respondent police, the present Habeas Corpus Petition has been filed.

3. Since the matter has been pending for the past two years without any progress, this Court gave a direction on 14.12.2016 by suo motu impleading the Superintendent of Police, Anti-human trafficking unit of CBCID, as one of the respondents to trace out the detenu.

4. While so, when the matter is taken up for hearing today, the Deputy Superintendent of Police, CB CID appeared in person and produced the detene by securing her from a Home, by name, Saranalayam, Kneethukadavu, Coimbatore.

5. When we enquired the detenu, she said that since she was not interested in studites, she left the home voluntarily and when she was standing in the Pollachi Police Station, she was taken to the afore-said Home. She further said that she has been in the afore-said Home for the past two years and taking care of the orphans and age-old people. She also said that for attaining majority, another four more months are left. However, she assertively said that she is not interested in going with her parents who are present before us. Along with the detenu, one Poogudi, an assistant from the said Home also appeared before us. She said that she will take care of the detenu. Eventually, on our enquiry, it is revealed that the detenu would like to go to only to Saranalayam, Kneethukadavu, Coimbatore.

<https://hcservices.ecourts.gov.in/hcservices/> view of the afore-said statement made by the detenu and she is not in illegal custody as alleged by the



respondents and she expressed her willingness to go to Saranalayam, Kneethukadavu, Coimbatore, we are of the opinion, no more adjudication is necessary in this Habeas Corpus Petition and accordingly, we close this Habeas Corpus Petition.

Sd/-

Assistant Registrar (RTI)

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/True Copy/

Sub Assistant Registrar

To:

- 1.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
- 2.The Superintendent of Police
Office of the Superintendent of Police,Dindigul District.
- 3.The Inspector of Police,
Kannivadi Police Station,Dindigul.
- 4.The Superintendent of Police,
Anti-human trafficking Unit of CBCID
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+3 cc to M/s.A.Saravanan, Advocate in SR.No.2280

ssm

CSL/CM-MSA/SAR-II/17.02.2017 : 3P/9C

H.C.P (MD) No.1236 of 2014
14.02.2017