



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No. 1049 of 2017

Manoharan : Petitioner
Vs.

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

2.The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.

3.Ramesh : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the first and second respondents to secure the detenu and produce the body or person of the detenu viz., Divya, D/o Manoharan, aged 15 years before this Court, illegally detained by the third respondent and hand over the custody of the detenu to the petitioner forthwith.

For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.A.Ramar
Additional Public Prosecutor
For R1&R2
: No appearance
For R3

O R D E R

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

This Habeas Corpus Petition is filed by the petitioner seeking a direction to the first and second respondents to secure the detenu and produce the body or person of the detenu viz., Divya, D/o Manoharan, aged 15 years before this Court, illegally detained by the third respondent and hand over the custody of the detenu to the petitioner forthwith.

2. The detenu viz., M.Divya is the daughter of the petitioner, aged about 15 years. On 03.07.2017, the petitioner's daughter went to school, but she did not return back. The petitioner went



in search of his daughter in various places and finally, he came to know that the third respondent forcibly kidnapped the petitioner's minor daughter. When the petitioner preferred a complaint before the second respondent on 04.07.2017, the second respondent gave a complaint receipt in CSR No.159 of 2017, but no action has been taken. Hence, the petitioner again gave a representation to the first respondent, but he is not in a position to rescue his minor daughter from the third respondent. Hence, the petitioner has come before this by filing this Habeas Corpus Petition.

3. Today, when the matter was taken up for consideration, the detenu was present before us. When we enquired the detenu, she stated that she went along with the third respondent herein and now she expressed her willingness to go along with the petitioner.

4. The learned Additional Public Prosecutor submitted that originally, a case was registered under Section 366 (A) I.P.C., and thereafter, it was altered into Section 6 of POCSO Act against the third respondent.

5. In view of the above, we are of the opinion that nothing survives for adjudication in this Petition. Hence, this Habeas Corpus Petition is closed. The respondent police are directed to proceed the case as against the third respondent in accordance with law.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Thanjavur District, Thanjavur.
- 2.The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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