



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA**

H.C.P. [MD].No.1088 of 2017

S.Ganesan .. Petitioner

Vs.

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

2.The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

3.D.Anandharaj .. Respondents

PRAYER: Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 1 and 2 to produce the body or person of the detenu viz., Kayalvizhi (aged 17 years) D/o.Ganesan before this Court and to hand over her to the petitioner.

For Petitioner : Mr.S.Arivalagan

For respondents 1 & 2 : Mr.A.Ramar,
Addl. Public Prosecutor

For 3rd respondent : No appearance

ORDER

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

The petitioner is the father of the detenu. The detenu is aged about 17 years. In the affidavit, it has been stated that on 06.07.2017, in the morning at about 9.00 a.m., she went out of the house. Thereafter, she did not return. The petitioner searched for her. He came to know that the detenu was abducted by the third respondent viz., D.Anandharaj, aged about 33 years. Hence, he lodged a complaint and the same was registered in Crime No.44 of 2017. Thereafter, no effective steps was taken by the 2nd respondent. Hence, he has come up with this petition.

2. Today, when the matter was taken up for hearing, the detenu was produced before this Court by the second respondent Police. The petitioner was also present. On enquiry, the detenu told that she



is aged 17 years and she went along with the third respondent to Coimbatore and stayed there for a period of three months. Thereafter, she was secured by the Police. Further, she has expressed her willingness to go along with the petitioner. The said statement is recorded.

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3. At this juncture, the learned Additional Public Prosecutor appearing for the respondents / Police submitted that already the case was registered against the third respondent and he was remanded to judicial custody.

4. In view of the above, nothing survives for adjudication in this petition. Hence, this Habeas Corpus Petition is closed, handing over the custody the detenu, who is the minor, to her father viz., petitioner. However, the first and second respondents / Police are directed to proceed with the case registered against the third respondent in accordance with law.

Sd/-

Assistant Registrar(A.E)

/True Copy/

Sub Assistant Registrar

To

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

GCG

JS/SKN.RSK/SAR.2/11.10.2017/2P-4C

Order made in
H.C.P.[MD].No.1088 of 2017
Dated:03.10.2017