



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2017

CORAM:

WEB COPY

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

H.C.P. (MD) No.1432 of 2017

S.Mary Jasmine : Petitioner

Vs.

State rep by,
1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2.The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

3.M.Maria Ajay : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, to direct the 1st and 2nd respondents to produce the person or body of the petitioner's minor daughter, the detenu herein namely, W.Bebisha, D/o.Wilson, aged about 17 years, before this Court and hand over the custody to the petitioner and set her at liberty.

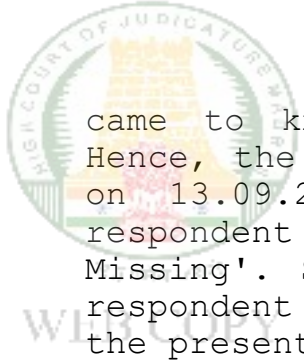
For Petitioner	: Mr.T.Arul
For R1 & R2	: Mr.C.Ramesh
	Additional Public Prosecutor
For R3	: No appearance

ORDER

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

The present Habeas Corpus Petition has been filed by the mother of the detenu, seeking a Writ of Habeas Corpus, directing the second respondent to produce the person or body of the petitioner's minor daughter, the detenu herein namely, W.Bebisha, D/o.Wilson, aged about 17 years, before this Court and hand over the custody to the petitioner and set her at liberty.

2.In the affidavit filed in support of this Petition, it has been averred that the petitioner is the mother of the detenu viz., W.Bebisha, D/o.Wilson, aged about 17 years and the detenu is studying B.A degree in Bethlehem Arts College at Karungal. It is alleged that on 12.09.2017, the detenu went to the college and thereafter, she did not return back. Subsequently, the petitioner



came to know that the third respondent kidnapped her daughter. Hence, the petitioner made a complaint before the second respondent on 13.09.2017. On receipt of the said complaint, the second respondent registered a case in Crime No.494 of 2017 for 'Girl Missing'. Since there were no effective steps taken by the second respondent to trace out the detenu, the petitioner has come up with the present Habeas Corpus Petition.

3.Today, when the Habeas Corpus Petition was taken up for consideration, the respondent police produced the detenu. When we enquired the detenu, she has stated that on her own volition, she went along with the third respondent herein. She has further stated that she is willing to go along with her mother/petitioner.

4. In view of the above, since the detenu is a minor aged about 17 years and she is willing to go along with the petitioner, in our considered view, nothing survives for adjudication in the Habeas Corpus Petition. Hence, the Habeas Corpus Petition is closed. At this juncture, the learned Additional Public Prosecutor submitted that the case has been registered under the caption for 'Girl Missing' by the third respondent, which would be altered to the relevant provision under IPC and Protection of Children from Sexual Offences Act (POCSO Act) after getting the statement from the detenu.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 2.The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Ns

RL/4C/2P/SKN/RSK/SAR1/21/12/2017

Order made in
H.C.P. (MD) No.1432 of 2017