



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

CORAM:

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

H.C.P.[MD].No. 1439 of 2017

Malaisamy : Petitioner

Vs.

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

2.The Inspector of Police,
T.Kallupatti Police Station,
T.Kallupatti,
Madurai District.

3.The Sub-Inspector of Police,
Villoore Police Station,
Villoore, Madurai District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the body or person of detenu of the petitioner's minor daughter namely Ranjitham D/o Malaichamy, aged about 17 years and hand over to the petitioner.

For Petitioner : No Appearance

For Respondents : Mr.C.Ramesh
Additional Public Prosecutor

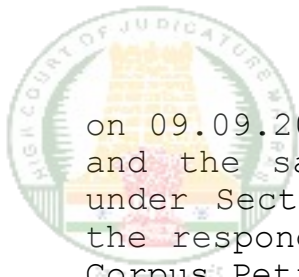
O R D E R

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

This Habeas Corpus Petition has been filed by the petitioner seeking a direction to the respondents to produce the body or person of detenu of the petitioner's minor daughter, namely Ranjitham, D/o Malaichamy, aged about 17 years and hand over to the petitioner.

2. When the matter was taken up for hearing, the learned Counsel for the petitioner is not present.

3. The petitioner is the father of the detenu viz., Ranjitham, aged about 17 years. The petitioner's daughter/detenu went missing



on 09.09.2017. Hence, he lodged a complaint to the respondent police and the same was registered as Cr.No.95 of 2017 for the offence under Section 304B IPC. Since no effective steps were taken by the respondent police, the petitioner has come up with this Habeas Corpus Petition.

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4. Today, when the matter was taken up for consideration, the detenu was present before us. When we enquired the detenu, she stated that she is aged about 16 years and she went along with one Rajeswaran, who is her neighbour and now she is staying at a home by name "Sakthi Vidiyal Kuzhu" at Muthupatti. However, now she expressed her willingness to go along with her father/petitioner.

5. The learned Additional Public Prosecutor submitted that originally, a case was registered under Section 417 I.P.C., and thereafter, it was altered into Sections 5(L) and 6 of POCSO Act against the said Rajeswaran.

6. 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 custody of the detenu is directed to be handed over to the petitioner. The respondent police are directed to proceed the case as against the said Rajeswaran in accordance with law.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.

To

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

2.The Inspector of Police, T.Kallupatti Police Station,
T.Kallupatti, Madurai District.

3.The Sub-Inspector of Police, Villore Police Station,
Villore, Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

5.The President, Children's Welfare Committee,
Sakthi Vidiyal Kuzhu, Kenet Nagar, Muthupatti, Madurai.

ORDER MADE IN
H.C.P. [MD] .No. 1439 of 2017
27.11.2017