



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.10.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

H.C.P. [MD].No.1473 of 2017

D.Sahayadas

: Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District.

2. The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body of the detenu, by name, Miss.S.Sahaya Aji, aged 15 years, who is the daughter of D.Sahayadas, before this Court and set her at liberty.

For Petitioner : Mr.G.Vairam Santhosh

For Respondents : Mr.A.Ramar
Additional Public Prosecutor

O R D E R

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

The present Habeas Corpus Petition has been filed by the father of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body of the detenu, by name, Miss.S.Sahaya Aji, aged about 15 years, before this Court and hand over her custody to the petitioner.

2. According to the petitioner, he is a daily labour. His daughter - S.Sahaya Aji, aged about 15 years, was studying tenth standard in Little Flower Higher Secondary School, Ramanpudhur. She was missing from 23.05.2017, onwards. In this regard, the petitioner made a complaint before the second respondent. On receipt of the said complaint, the second respondent police



registered a case in Crime No.14 of 2017 as "girl missing". Since there were no effective steps taken by the second respondent police 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 second respondent police produced the detenu. When we enquired the detenu, she has stated that she is aged about 15 years. She has further stated that one Vibin, aged about 26 years, took her to Karaikudi and they stayed in a house at Karaikudi. She has further stated that now she is willing to go along with her mother, who is present in Court.

4. It is reported by the learned Additional Public Prosecutor appearing for the respondents that since the detenu is a minor, the case was altered into one under Section 366(A) of the Indian Penal Code and Sections 5(i) and 6 of the Protection of Children from Sexual Offences Act, 2012 and the alteration report has also been forwarded to the learned Judicial Magistrate No.II, Nagercoil.

5. Since the second respondent police has altered the case, referred to above, recording the above, the Habeas Corpus Petition is closed and the custody of the detenu is handed over to her mother.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.G.Vairam Santhosh, Advocate Sr.No.83349

NB

VB/MR/SAR1/02/11/2017/2P/5C