



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2017

CORAM:

WEB COPY

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

H.C.P.[MD].No.1517 of 2017

Jeya : Petitioner

Vs.

1.The Commissioner of Police,  
Trichirappalli City, Trichy.

2.The Inspector of Police,  
GH Police Station,  
Trichirappalli.

3.Mohana : 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 detenu, the minor son of the petitioner, namely, Sundarraaj, S/o.Sekar, aged about 17 years, before this Court and to hand over the custody of the detenu, namely, Sundarraaj, aged about 17 years, S/o.Sekar, residing at 32B, M.M.Nagar, Uyyakodanthirumalai, Trichy 620 102.

For Petitioner : Mr.V.Illanchezian

For Respondents 1&2 : Mr.A.Ramar  
Additional Public Prosecutor

For Respondent No.3 : No Appearance

O R D E R

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[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 respondents to produce the person or body of the detenu, namely, Sundarraaj, S/o.Sekar, aged about 17 years, before this Court and to hand over the custody of the detenu to the petitioner.



2. According to the petitioner, the detenu herein is the third son of the petitioner. The detenu completed Plus Two at KAP.Viswanatham Higher Secondary School, Trichy. The date of birth of the detenu is 26.01.2000. The detenu was missing from 07.09.2017, onwards. The petitioner came to know that the third respondent herein was having the custody of the detenu. Immediately, the petitioner went to the place of the third respondent and enquired about the detenu. Since the detenu was not found there, the petitioner made a complaint before the second respondent. The second respondent conducted enquiry, traced out the detenu and sent the detenu along with the third respondent, who is the leader of transgender. Under the above circumstances, 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, though initially the detenu refused to go along with the petitioner, finally, the detenu agreed to go along with the parents.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, submitted that the detenu was not sent by the second respondent along with the third respondent. He further submitted that since the detenu is a minor, the case, which was originally registered against the third respondent for boy missing, has been altered.

5. In view of the above, recording the said submission, the Habeas Corpus Petition is closed and the custody of the detenu is handed over to the parents.

Sd/-  
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner of Police, Trichirappalli City, Trichy.

2.The Inspector of Police, GH Police Station,  
Trichirappalli.

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

+One cc to Mr.V.Illanchezian, Advocate, SR.No.84636

NB

RL/5C/2P/KP/SAR1/13/11/2017

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ORDER MADE IN  
H.C.P. [MD].No.1517 of 2017

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