



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **08.11.2017**

CORAM:

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

AND

WEB COPY THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**
H.C.P.[MD].No.1585 of 2017

S.Periyasamy : Petitioner

Vs.

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

2. The Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.

3.Balamurugan : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the first and second respondents herein to produce the body and person of the detenu, petitioner's minor daughter Murugeswari, D/o. Periasamy aged about 17 years before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.P.Mahendran

For Respondents 1 & 2 : Mr.A.Ramar

Additional Public Prosecutor

For Respondent No.3 : No appearance

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 mother of the detenu, seeking a Writ of Habeas Corpus, directing the first and second respondents herein to produce the body and person of the detenu, petitioner's minor daughter Murugeswari, D/o. Periasamy aged about 17 years before this Court and hand over her custody to the petitioner.

2.The petitioner is the mother of the detenu. Her daughter is studying in R.P.Sethur Pandian Women Higher Secondary School. The petitioner used to leave the detenu at the said school in the morning and pick her up in the evening. While so, on 16.10.2017, as usual the petitioner left her daughter at the school in the morning. But, when the petitioner went to pick her up in the evening, she could not find her daughter. Thereafter, the



petitioner made enquiries with the school officials and her daughter's friends and relatives, but they informed that they were not aware of her daughter. Hence, she lodged a complaint with the second respondent police and the same was registered in Crime No.760 of 2017 under the caption 'Girl Missing'. But, no action has been taken by the respondent police to find out the petitioner's daughter. Hence, the petitioner left with no other option, has approached this Court with this Habeas Corpus Petition.

3.Today, when the Habeas Corpus Petition was taken up for consideration, the detenu was produced before this Court. On enquiry, she submitted that she went along with the third respondent and she also expressed her willingness to go along with her parents.

4.Further, the learned Additional Public Prosecutor appearing for the respondents submitted that the FIR has been altered for offences under Sections 366(A), 376 of IPC., 5(L) r/w. Section 6 of POCSO Act, since already the case has been registered.

5.In view of the above, nothing survives for adjudication in the Habeas Corpus Petition. However, the first and second respondents are directed to proceed with the case in accordance with law. Accordingly, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

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

+1cc to Mr.P.Mahendran, Advocate Sr.No.86201

MR

VB/KK/SAR1/28/11/2017/2P/5C