



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1589 of 2017

Patchaiyammal

: Petitioner

Vs.

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

2.The Inspector of Police,
Palanichettiyapatti Police Station,
Theni 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 detenu, namely, Parameswari, aged about 17 years, D/o.Vickraman, before this Court and hand over to the petitioner.

For Petitioner : Mr.A.Arun Prasad

For Respondents 1&2 : Mr.C.Ramesh
Additional Public Prosecutor

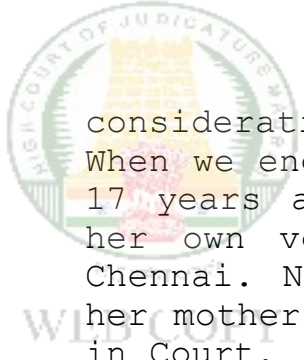
O R D E R

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

The present Habeas Corpus Petition has been filed by the mother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the detenu, namely, Parameswari, aged about 17 years, D/o.Vickraman, before this Court and hand over her custody to the petitioner.

2. According to the petitioner, her daughter was working in a Cotton Mill at Coimbatore. From 24.10.2017 onwards, her daughter was found missing. 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.734 of 2017. 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 17 years and since she fell in love affair one Mr.Thangaraj, on her own volition, she went out of the home along with him to Chennai. Now, she has expressed her willingness to go along with her mother. We have enquired the petitioner also, who is present in Court.

4. The learned Additional Public Prosecutor, on instructions, would submit that the said Thangaraj was arrested and remanded to judicial custody and the case in Crime No.734 of 2017 was altered into one under Section 366(A) of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

5. In view of the above, since the detenu is a minor, her custody is handed over to the petitioner. However, we direct the second respondent police to proceed with the case in Crime No.734 of 2017 in accordance with law. The Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Palanichettiyapatti Police Station,
Theni District.

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

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