



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.1620 of 2017

S.Perumal : Petitioner

Vs.

- 1.The Superintendent of Police,
Trichy District, Trichy.
- 2.The Inspector of Police,
Thathaiyengar Pet, Trichy District.
- 3.Devaraj @ Deva
- 4.Selvaraj

: 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 to produce the person or corpus of the petitioner's minor daughter, namely, Kiruthika, D/o.Perumal, aged about 17 years before this Court, within a time frame as fixed by this Court and hand over the custody of the detenu to the petitioner.

For Petitioner : Mr.S.Sukumar

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

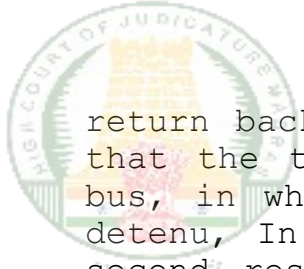
For Respondents 3&4 : No Appearance

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 father of the detenu, seeking a Writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu, namely, Kiruthika, D/o.Perumal, aged about 17 years before this Court and hand over her custody to him.

2. According to the petitioner, he has two daughters, namely, Kiruthika, aged about 17 years and Tharanya, aged about 10 years. His elder daughter joined B.Sc., Computer Science in Ramalingam Government Arts and Science College at Namakkal. On 25.10.2017, she had been to the college in a private bus and thereafter, she did not



return back home. On enquiry, the petitioner reliably came to know that the third respondent herein, who is the driver of a private bus, in which the detenu used to go to college, had kidnapped the detenu. 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.199 of 2017 for 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 17 years. Since her parents made arrangements for her marriage, on her own volition, she left the house and stayed in the house of her friend, namely, Suganya. The detenu has further stated that now she is willing to go along with the petitioner.

4. We have enquired the parents of the detenu, who are present in Court. The parents of the detenu have denied the statement that they have made arrangements for the marriage of the detenu. They have further stated that the third respondent had kidnapped the detenu and kept her in illegal custody.

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.199 of 2017 in accordance with law. The Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Trichy District, Trichy.
- 2.The Inspector of Police,
Thathaiyangar Pet, Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.SUKUMAR Advocate in SR. No. 92168

NB

JS/MR.KKR/SAR.1/21.12.2017/2P-5C

<https://hcservices.ecourts.gov.in/hcservices/>

ORDER MADE IN
H.C.P. [MD] .No.1620 of 2017
11.12.2017