



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.05.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

and

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

H.C.P. (MD) No.691 of 2017

Prabha

: Petitioner

vs-

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

2. The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

3. Silambarasan

4. Devaraj

5. Rajathi

6. Rajkumar

7. Chelladurai

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detainee namely Dhivya, aged about 16 years, Daughter of Chellapandian, before this court and hand over to the custody to the petitioner.

For Petitioner

: Mr.R.Mathiyalagan

For Respondents

: Mr.C.Ramesh

Addl. Public Prosecutor

ORDER

[Order of the Court was made by **M.V.MURALIDARAN, J.**]

One Prabha, the petitioner herein, has filed this Habeas Corpus Petition, seeking direction to the respondents 1 and 2 to produce the detainee, by name, Dhivya, aged about 16 years, before this court and to hand over her custody to the petitioner.

2. The petitioner alleges that her daughter by name Dhivya, aged about 16 years, was missing from 01.05.2017. She had given a complaint on 05.05.2017 to the respondents 1 and 2 about the missing of her minor daughter. She had further stated that one Silambarasan, son of Devaraj, the third respondent herein, had kidnapped her minor daughter. Pursuant to the complaint, a case



had been registered in Crime No.137 of 2017 under Section 366-A of the Indian Penal Code. Since the respondents police had not taken sufficient steps to track the detainee, the petitioner has preferred the present Habeas Corpus Petition before this court.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 had submitted that the detainee had been produced before this court and the 3rd respondent was arrested and remanded to judicial custody and the case was also altered into POCSO Act.

4.We have enquired the detainee as well as the mother of the detainee, the petitioner herein. On enquiry, the detainee namely Dhivya had stated that she is willing to go along with her mother, the petitioner herein.

5.In such circumstances, we find it appropriate to permit the detainee, Dhivya, go to along with her mother, the petitioner herein, as per her wish. Accordingly, this Habeas Corpus Petition stands closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

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

H.C.P.(MD) No.691 of 2017
24.05.2017

er/ar
JM/JC/SAR 2/01.06.2017/2P/4C