



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.1689 of 2016

V.Mahendran

: Petitioner

Vs.

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

2.The Inspector of Police,
Devarkulam Police Station,
Maanur Police Circle,
Tirunelveli District.

3.K.Selvam

4.Gopal

5.Manithai

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the second respondent to produce the person or body of the detainee, the petitioner's daughter Pavithra, D/o.Mahendran, aged about 16 years and 4 months before this Court and to hand over her custody to the petitioner.

For Petitioner : Mr.M.Solaisamy

For Respondents 1&2 : Mr.K.S.Duraipandian,
Additional Public Prosecutor

ORDER

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

The petitioner, who is the father of the detainee-Pavithra, aged about 16 years and 4 months, has filed the present Habeas Corpus Petition stating that his daughter was found missing from 02.12.2016 onwards and hence, he lodged a complaint before the second respondent suspecting the respondents 3 to 5, but, no effective action was taken to trace out the detainee so far. Hence, this petition.

2.Today, when the matter was taken up for consideration, the second respondent produced the detainee before this Court. When we enquired the detainee, she told us that she is aged about 16 years and she, on her own volition, went along with the third respondent herein to Kerala and now, she expressed her willingness to go along with the petitioner, who is her father.



3. We have also examined the petitioner, who is present in Court today. The petitioner also agreed to take the detinue.

4. The learned Additional Public Prosecutor submits that a case has already been registered as against the third respondent under the Protection of Children from Sexual Offences Act, 2012 and he was remanded to judicial custody by the learned Judicial Magistrate No.3, Tirunelveli.

5. In view of the subsequent events relating to the production of the detinue, nothing survives for adjudication in this Habeas Corpus Petition. The Habeas Corpus Petition is closed accordingly. However, the second respondent is at liberty to proceed with the investigation.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Devarkulam Police Station,
Maanur Police Circle,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML
sva/cm/msa/01.02.2017/2p/4c

Order made in
H.C.P. (MD) No.1689 of 2016
Dated: 19.01.2017