

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.581 of 2018

G.Chitra

.... Petitioner

vs.

1.The Superintendent of Police,
Superintendent Office,
Krishnagiri District.

2.The Deputy Superintendent of Police,
Superintendent Office,
Krishnagiri District.

3.The Inspector of Police,
Mattur Police Station,
Mattur,

4.Vijay

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the respondents herein to produce the body of the minor detainee G.Nivetha, aged 17 years, before this Court and set the detainee at liberty.

For Petitioner : Mr.S.Sathya

For Respondents : R.Ravichandran,G.A., (Crl.side)
for R1 to R3

ORDER

(Order of the Court was made by R.HEMALATHA,J.)

The petitioner G.Chitra has filed the present Petition for issuance of Writ of Habeas Corpus Petition directing the respondents 1 to 3 to produce the body of her minor daughter G.Nivetha, aged 17 years, before this Court and set her at liberty.

2.In the affidavit, the Petitioner had contended that her minor daughter was kidnapped by the fourth Respondent, viz., Vijay, son of Santhamoorthy, on 29.11.2017 and therefore, she lodged a complaint with the Inspector of Police, Mathur Police Station which was registered as Crime No.223 of 2017, for the alleged offences under Section 366-A of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offences, 2012 and Section 9 of the Prevention of Child Marriage Act, 1929. Thereafter, the fourth Respondent was arrested and her daughter came back home. According to the petitioner, again on 27.01.2018, the fourth Respondent kidnapped her daughter and she lodged a complaint with the same Police Station.

3.Notice was issued to the respondents and in response to the notice, the third respondent produced the Detenue-G.Nivetha before this Court. We interacted with her and she contended that she voluntarily went with the fourth Respondent, on 28.01.2018 and married him at a Murugan Temple, Perur, Coimbatore, on 01.02.2018. She also contended that her date of birth is 21.10.2000.

4.The detenue is a minor and she contended that she is willing to go with her mother/the petitioner herein. The petitioner is also present before this Court.

5.The Learned Government Advocate (Crl.Side) contended that a case has been registered as against the fourth Respondent in Crime No.138 of 2018 of Mathur Police Station, Krishnagiri, under Section 6 of the Protection of Children from Sexual Offences, 2012 and he was remanded to judicial custody on 16.04.2018.

In the facts and circumstances of the present case, nothing survives for further adjudication and the Habeas Corpus Petition is disposed of accordingly. The detenue-G.Nivetha is permitted to go with her mother/the petitioner herein.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

msk

To

1.The Superintendent of Police,
Superintendent Office,
Krishnagiri District.

2.The Deputy Superintendent of Police,
Superintendent Office,
Krishnagiri District.

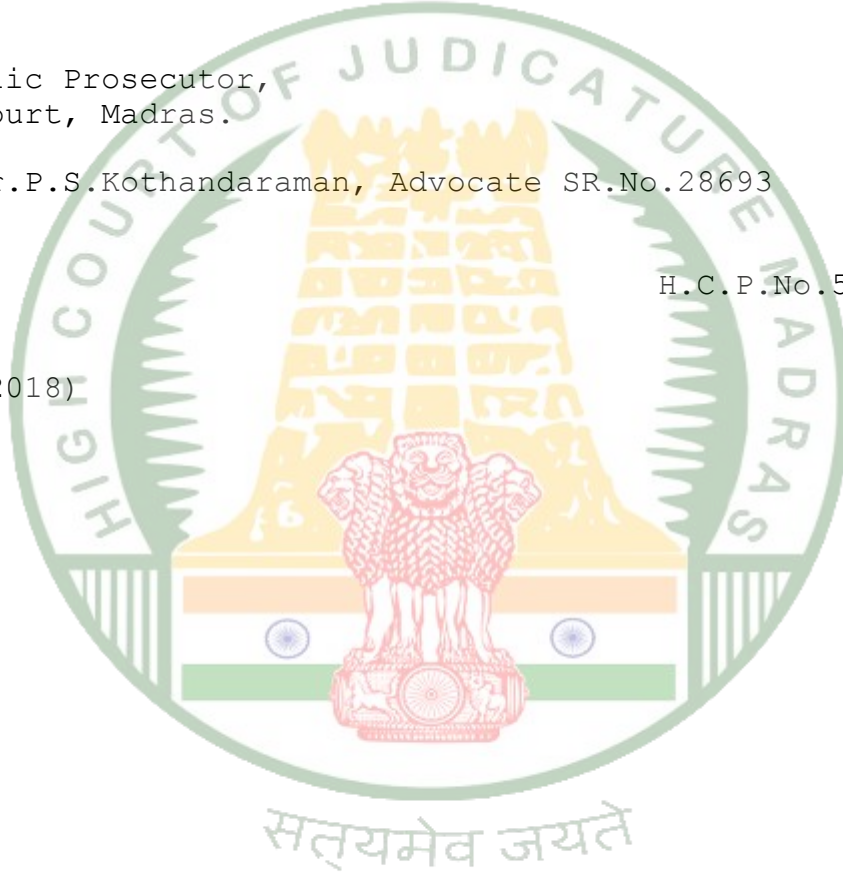
3.The Inspector of Police,
Mattur Police Station,
Mattur,

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.S.Kothandaraman, Advocate SR.No.28693

H.C.P.No.581 of 2018

VGII(CO)
GN(11/05/2018)



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