

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA
and
THE HON'BLE MRS. JUSTICE S. RAMATHILAGAM

H.C.P. No.877 of 2018

V.Krishnamurthy ... Petitioner

Versus

1. The State represented by its
The Commissioner of Police,
Chennai Police Commissioner office
At E.V.K. Sampath Road,
Vepery, Chennai - 600 007.
2. The State Rep. by its
The Inspector of Police,
S-10, Pallikarani Police Station,
Chennai - 600 100.
3. P. Gandhi ... 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 herein to locate and secure the petitioner's minor daughter namely K.Monika, aged 15 years and produce her before this Court and handover to the petitioner.

For petitioner : L.Gavaskar

For respondents : Mr.R.Prathap Kumar, APP

ORDER

(Made by S.VIMALA, J.)

This Petition has been filed for a direction to the respondents 1 and 2 herein to secure the petitioner's minor daughter namely K.Monika, aged 15 years and produce her before this Court and handover to the petitioner.

2. The respondents have produced the detainee before the Court. The birth certificate reveals that the date of birth of the detainee is 17.02.2003. The detainee submits that she was secured by the 2nd respondent and produced before this Court.

The case has been registered under the POCSO Act against the 3rd respondent herein. However, the 3rd respondent is not present before the Court.

3. The learned Additional Public Prosecutor submits that the presence of the detainee is required before the learned Magistrate for the purpose of referring her for medical examination.

4. In such circumstances, the mother of the detainee, who is taking care of the minor detainee, is directed to produce the minor detainee before the concerned learned Magistrate for the purpose of referring her for medical examination in accordance with law.

5. The minor detainee, states that she has completed 10th standard and she intends to pursue her higher studies under the custody of her parents. Recording the same, this habeas corpus petition is closed with the aforesaid observations and directions.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Chennai Police Commissioner office
at E.V.K. Sampath Road,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
S-10, Pallikarani Police Station,
Chennai - 600 100.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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GJII(CO)
EU(20/07/2018)