

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 16.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P. NO. 963 OF 2018

Saravanan .. Petitioner

- Vs -

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

2.The Inspector of Police,
Virudampat Police Station,
Vellore District.

3.Praveen

4.Palkarar @ Pichai

5.Jayanthi

6.Prasanth

7.Ajith

8.Sathya

9.Pabul @ Vasanthakumar

10.pragash

11.Thiyagarajan

... Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents to produce the petitioner's minor daughter namely Aarthi aged 15 years before this Court and handover to petitioner.

For Petitioner : Mr. R.K.Gandhi

For Respondents : Mr. R.Prathap Kumar, APP
for R1 and R2

ORDER

(DELIVERED BY DR. S.VIMALA, J.)

This Habeas Corpus Petition is filed by the father of the detinue, directing the respondents to produce her daughter, namely, Aarthi, aged 15 years, before this Court.

2. The learned Additional Public Prosecutor submitted that based on the complaint given by the petitioner on 24.04.2018, originally, a case has been registered in Crime No. 151 of 2018 under the head of "girl missing" and thereafter, it was altered into Sections 363, 366 I.P.C r/w. Section 9 of Child Marriage Act 2006 r/w. 6 of POCSO Act. The learned Additional Public Prosecutor further submitted that the victim girl had been produced before the learned Judicial Magistrate No.III, Vellore on 21.05.2018 and the custody of the victim girl has been handed over to the parents. A copy of the order has been produced by the learned Additional Public Prosecutor to that effect.

3.It is now represented by the learned counsel for the petitioner that after the third respondent being released on bail, he again kidnapped this minor girl. Therefore, the investigation should continue.

4. This above facts have not been brought to the knowledge of police and the prosecution.

5. Under the stated circumstance, it is open to the petitioner to make a complaint before the concerned Police. On receiving the complaint, the respondent Police shall take action in accordance with law.

6. With the above observation, this Habeas Corpus petition is closed.

Sd/-

Assistant Registrar (CS-vi)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Inspector of Police,
Virudampat Police Station,
Vellore District.

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

H.C.P. NO.963 of 2018

CA (CO)
TR (21/08/2018)



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