



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**and****THE HONOURABLE MRS.JUSTICE R.HEMALATHA**H.C.P(MD)No.200 of 2018

Muthuraj

... Petitioner

Vs.

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

2.The Inspector of Police,
Narikudi Police Station,
Virudhu Nagar,
Virudhunagar District.

3.Rajesh

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the 1st and 2nd Respondents to procure the presence and produce the person or body of the detainee, minor daughter Pandiselvi, aged about 16 years, D/o. Muthuraj, from the illegal detention of the 3rd Respondent and entrust her custody to the petitioner.

For Petitioner : Mr.R.Murugan

For Respondents 1 & 2 : Mr.C.Ramesh,
Additional Public ProsecutorORDER

(Order of the Court was made by M.SATHYANARAYANAN, J.)

The petitioner is the father of the detainee, who is aged about 16 years and according to him, she has studied up to 9th standard and is working at Amirtha Mill at Coimbatore. The petitioner would further aver that his minor daughter came to his village on 03.01.2018 and was staying there. On 24.01.2018, on the early morning hours, she was found missing and the efforts taken by the petitioner and their relatives to find her were futile and they lodged a complaint to the respondent police, based on which, a case was registered by the second respondent police for 'girl missing'. Further he would submit that the third respondent has kidnapped his daughter and since no progress is made in the investigation and no step has been taken to trace his daughter, he has come forward with this Habeas Corpus Petition.



2. When the matter is listed today, the detinue was produced by the second respondent. The parents of the detinue are also present. This Court enquired the detinue and she would submit that on her own volition, without coerce, she went with her lover, namely, the third respondent and married him on 24.01.2018 and they are living as husband and wife.

3. Mr. C. Ramesh, learned Additional Public Prosecutor, appearing for respondents 1 and 2 would submit that the detinue was born on 21.05.2002 and still she is a minor and she is yet to be subjected to medical examination, so also her husband, namely, the third respondent and depending upon the course of investigation, Section in F.I.R. should be altered.

4. This Court asked the detinue as to whether she is willing to go with her parents for the reason that she is still minor and she has expressed her willingness to go with her parents and be with them till she attains the age of 18. The parents of the detinue, who are present before the Court are also enquired and they would state that they would take care of their daughter. Accordingly, the custody of the detinue/minor girl child of the petitioner has been handed to the petitioner and his wife.

5. In the result, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub-Assistant Registrar

To

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

2. The Inspector of Police,
Narikudi Police Station,
Virudhu Nagar, Virudhunagar District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+One cc to M/s. R. Murugan, Advocate, SR.No.50864

sj

RL/5C/2P/KK/SAR4/8/3/2018

H.C.P (MD) No.200 of 2018