



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

CORAM:

WEB COPY

**THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

HCP [MD].No.91 of 2018

Sarasu

: Petitioner

Vs.

1. The Superintendent of Police,
Karur District, Karur

2. The Inspector of Police,
Paramathi Police Station
Karur District

3. Ajith

: Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus, to direct the respondents 1 and 2 to secure the detenu, namely, Minor.Sindhu, aged about 17 years, D/o.late.Raju, now detained by the 3rd respondent and produce the detenu or body of the detenu before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.C.Ramesh

1&2

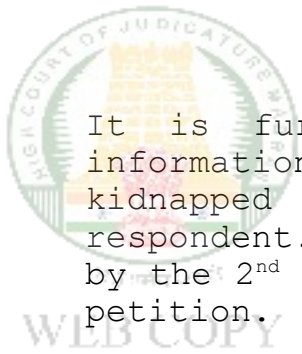
Additional Public Prosecutor

ORDER

[Order of the Court was made by S.VIMALA, J]

This petition has been filed by the mother of the detenu, namely, Sindhu, aged about 17 years, to secure her daughter and set her at liberty.

2. It is alleged by the petitioner that her minor daughter Sindhu, aged 17 years has been detained by the third respondent. It is further stated that the petitioner has three daughters and the detenu is the 2nd daughter, who is stated to be working in Sri Kumaran Departmental Stores, Karur. It is further alleged that on 30.11.2017, when they were sleeping, her daughter was found missing. When a complaint is preferred before the 2nd respondent police, a case has been registered in Crime No.338/2017 for 'girl missing'.



It is further stated that on 15.01.2018, the petitioner got information that the third respondent along with others have kidnapped her daughter and this has been informed to the 2nd respondent. However, since there were no effective steps were taken by the 2nd respondent, the petitioner is before this Court with this petition.

3. The learned Additional Public Prosecutor appearing for the State would submit that this is not the first time, the girl was found missing and in fact, it is the third time and the first time, she was missing on and from 07.09.2017 and subsequently, she was secured on 12.09.2017 and in the second time, on 14.09.2017 and at that point of time, a case has been registered in Crime No.385/2017 for 'girl missing' and on production of the detenu before the concerned Court, custody has been handed over to the mother/petitioner herein on 12.10.2017. This is the third complaint alleging missing of her daughter on and from 30.11.2017.

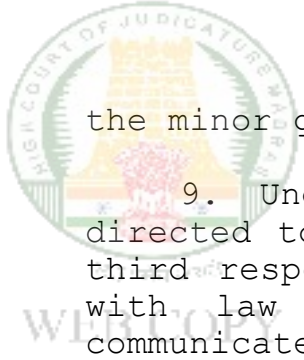
4. The learned counsel for the petitioner would submit that it is only the third respondent, who is responsible for the repeated occurrence and the police did not register a case against the third respondent under the relevant sections and it is the duty of the respondent police to produce the detenu before this Court.

5. The learned Additional Public Prosecutor has produced a statement of the victim girl, in which, the victim girl has stated that she has studied upto 12th standard and she is working in Sri Kumaran Departmental stores, Karur, during which, she got acquaintance with the third respondent Ajith and during enquiry on 12.09.2017, when the police enquired both the detenu as well as the third respondent Ajith, the mother has made a request to the respondent police that in the interest of the future of the minor girl/detenu, no case shall be registered and with the request of the mother, the girl was sent to her home along with the mother/petitioner.

6. It is further stated that in respect of this occurrence, she was beaten by her maternal uncle Mr.Subramani and thereafter after informing her elder sister Kousalya, the detenu left her parental house and took asylum in the house of one Ms.Kanagavalli.

7. From the above, we are conscious of the fact that the detenu is a minor girl. But the responsibility of grooming the child is with that of the mother and when there is an allegation that she has eloped with the third respondent, it is for the mother to persuade her not to do or to make some other alternative to keep her in proper custody. However, this was not done and the state of affairs reflect that only because of the beatings given to the minor girl, she might have left the house.

8. The learned counsel for the petitioner would vehement in saying that it is only the third respondent, who might have induced



the minor girl to leave the house.

9. Under the said circumstances, the respondent police is directed to register a case under the penal provisions against the third respondent and further investigate the matter in accordance with law and the respondent police is further directed to communicate to the petitioner, as and when, the whereabouts of the detenu is known.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Karur District, Karur
2. The Inspector of Police,
Paramathi Police Station
Karur District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.GOKUL RAJ, ADVOCATE IN SR No. 47128

RR

TE/SKN-RSK/SAR-1 : 23/02/2018 : 3P/5C

ORDER MADE IN
HCP .[MD].No.91 of 2018
08.02.2018