



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.05.2018

CORAM:

THE HON'BLE MR.JUSTICE M.SUNDAR

AND

THE HON'BLE DR.JUSTICE ANITA SUMANTH

HCP [MD]No.662 of 2018

P.Rajasekar

: Petitioner

Vs.

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

2. The Inspector of Police,
Pattiveeranpatti Police Station,
Madurai District.

3.Rajendran

4.Poopandiammal

5.Arun Pandi

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents No.1 & 2 to produce the body or person of detainee, the petitioner's minor daughter namely Devika daughter of Rajasekar aged about 14 years before this Court and hand over to the custody of the petitioner.

For Petitioner : Mr.S.Bharathi

For R1 & R2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

This Habeas Corpus Petition has been filed by one P.Rajasekar for production of his daughter, Devika.

2.From the affidavit filed in support of this Habeas Corpus Petition, from the submissions made before us and the typed set of papers, it unfurls that Ms.Devika (herein after referred to as 'detenue' for the sake of convenience and clarity) is a minor.



3. With regard to the documents placed before us in the form of typed set of papers, it is seen that date of birth of the detenu is 18.04.2004, according to the Birth Certificate and the year of birth has been shown as 2003 in the Adhaar Card.

4. We have recorded the aforesaid discrepancy only for the purpose of capturing the facts as comprehensively as possible.

5. Be that as it may, it makes no difference in the instant Habeas Corpus Petition, as the detenu, either way is a minor as of today.

6. This Habeas Corpus Petition has been filed on the basis that the detenu went missing on 20.04.2018 and a complaint in the jurisdictional police station was given on 21.04.2018 vide Crime No.108 of 2018.

7. The prayer in the instant Habeas Corpus Petition is predicated on the ground that there is inaction on the part of the second respondent police, which is the jurisdictional police authority.

8. When the matter came up for hearing yesterday, the detenu was produced before us saying that she was brought to the police station by her relatives. This Bench had the benefit of a short and quick interaction with the detenu and her parents, who were also present in Court.

9. The detenu, being a minor has to necessarily be under the care and custody of her parents. As far as the parents are concerned, they are willing and more than happy to take their daughter home with them and they also assured that they will take good care of their minor daughter i.e., the detenu. This puts an end to the issue in this Habeas Corpus Petition.

10. It is submitted by the learned Additional Public Prosecutor representing for the second respondent/Inspector of Police that the detenu was brought to the police station by the relatives of the detenu on 13.05.2018. It is also submitted by the learned Additional Public Prosecutor that preliminary enquiry by police reveals that the detenu was under detention of the respondents 3 to 5 in the instant Habeas Corpus Petition. We are also informed that this is corroborated by the statement given by the detenu before the Jurisdictional Magistrate. In this regard, the second respondent police shall proceed in accordance with law. In other words, law will take its course in this regard. We are also informed that the third respondent has already been taken into custody. The detenu has been lodged in home i.e. Puthu Yugam Home, Kumbakonam, Palani Road, Ayyankulam, Dindigul District from 13.05.2018. Today in the light of the narrative supra, the detenu is being handed over to the petitioner and his



spouse i.e., parents of the detenu.

11. This Habeas Corpus Petition is closed.

WEB COPY

Sd/-

Vacation Officer (Cr1 side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Pattiveeranpatti Police Station,
Madurai District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.
4. The Superintendent,
PudhuYugam Home,
Karunanithi Nagar, Palani Road,
Ayyankulam, Dindigul.

+ 1 cc TO Mr.S.Bharathi , Advocate in SR No. 65946

das/skn

AE/KKR/SAR1/30.05.2018/3P/6C

ORDER MADE IN
HCP [MD]No.662 of 2018
17.05.2018