



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.[MD].No.1172 of 2018

A.Kamalayee

: Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai, Sivagangai District.
2. The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.
3. The Inspector of Police,
Sakottai Police Station,
Sakottai,
Sivagangai District.
4. Vallikannu
5. Ramu

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce body or person of the detenu, younger grand daughter Minor Sangeetha, aged about 15 years, D/o.Late.Subbiah and hand over the custody to the petitioner.

For Petitioner : Mr.A.Saravanan

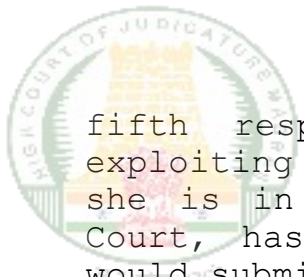
For Respondents 1to3 : Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

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

The present Habeas Corpus Petition has been filed by the paternal grandmother of the detenu, seeking a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the person or body of the detenu, namely, Sangeetha, aged about 15 years, before this Court and hand over the custody to the petitioner.

2. The petitioner is the paternal grandmother. The fourth respondent is the maternal grandmother. The detenu has lost both her parents. According to the petitioner, with the connivance of the maternal grandmother, namely, the fourth respondent herein, the



fifth respondent, who has already been married, is sexually exploiting the detenu, who is aged about 15 years and at present, she is in the family way. Though the detenu, who is present in Court, has denied this, the learned Additional Public Prosecutor would submit that the allegations are prima facie true.

WEB COPY

3. Considering the above, we deem it fit to direct the third respondent to take the detenu to Sakthi Vidiyal Home, 21, Kennet Nagar, Muthupatti East, Madurai - 625 003 and admit her there so as to enable her to stay there, till she attains majority. The third respondent is permitted to take steps to conduct medical examination on the detenu. On investigation, if the case is made out, then a case has to be registered under the Protection of Children from Sexual Offences Act. The detenu shall be in the Home till she attains majority. She shall also be produced before the Jurisdictional Magistrate for recording statement. We also make it clear that the Home Authority shall not allow the fifth respondent to have any access to the detenu.

4. The Habeas Corpus Petition stands disposed of in the above terms.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Superintendent of Police,
Sivagangai, Sivagangai District.
2. The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.
3. The Inspector of Police,
Sakottai Police Station,
Sakottai, Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To:

The Officer Incharge,
Sakthi Vidiyal Home, 21, Kennet Nagar,
Muthupatti East, Madurai - 625 003.

H.C.P. [MD].No.1172 of 2018
20.08.2018