

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

HCP.No.285 of 2019

A.Anjalai

.. Petitioner

Vs.

1.State, rep by
Inspector of Police
Attur Town Police Station
Salem District.

2.K.Ajith Kumar

.. Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Habeas Corpus calling for the records in connection with Crime No.599/2018 registered on 22.11.2018 on the file of first respondent and direct the first respondent to produce the detenu minor A.Sathya, daughter of Angamuthu aged 17 years from the illegal custody of the second respondent before this Court and hand over to the petitioner.

For Petitioner : Mr. C.Sivakumar

For Respondents : Mr.C.Iyyaparaj [R1]
Additional Public Prosecutor

ORDER

[Judgment of the Court was made by M.SATHYANARAYANAN, J.,]

The petitioner is the mother of the detenu and according to her, her daughter Sathya was born on 30.04.2001 and after completing her S.S.L.C., she got herself admitted in a Diploma Course in Lab Technician at Sri Skill Development Centre, Attur, Salem District. The petitioner would state that her daughter had gone to college at 10.00 a.m. on 14.11.2018 as per usual routine, but she did not return home thereafter, and out of anxiety and panic, she made a thorough search, but she was unable to trace her and hence, lodged a complaint on 22.11.2018 before the Athur

Police Station, based on which, a case in Crime No.599/2018 was registered as "girl missing".

2. The learned counsel appearing for the petitioner made a mention that though the matter has not been listed today, but for the reason that the detenu has been secured, he prayed for permission of this Court to take up the matter today and accordingly, we are inclined to take up the matter.

3. The detenu was produced by the first respondent and on enquiry, she would submit that her father is a coolie and her mother is a fruit vendor and her brothers are studying in college and school respectively and since she was scolded and castigated by her parents, she on her own volition left to Tiruppur for the purpose of securing a job in a Knit Wear Company and on coming to know about her whereabouts, she was secured by the first respondent and she further submitted that she would continue her studies and behave in a proper manner and she also expressed her willingness to go with her parent namely, the petitioner.

4. This Court heard the submission of the learned counsel appearing for the petitioner and Mr.C.Iyyaparaj, learned Additional Public Prosecutor for the first respondent.

5. A consideration of the statement given by the detenu would prima facie indicate that the second respondent has no role to play for the detenu leaving the custody of her parents, and further it is for the first respondent to find out the same during the course of investigation. Since, the detenu has not completed 18 years of age, this Court is of the view that the detenu shall remain in the custody of the petitioner, the mother/natural guardian of the detenu.

6. In the result, this Habeas Corpus Petition is disposed of and the custody of the detenu is entrusted to the petitioner, the mother of the detenu. Since an FIR has already been registered in this case, the first respondent is directed to conduct investigation in accordance with law and file a final report before the jurisdictional Court as expeditiously as possible. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

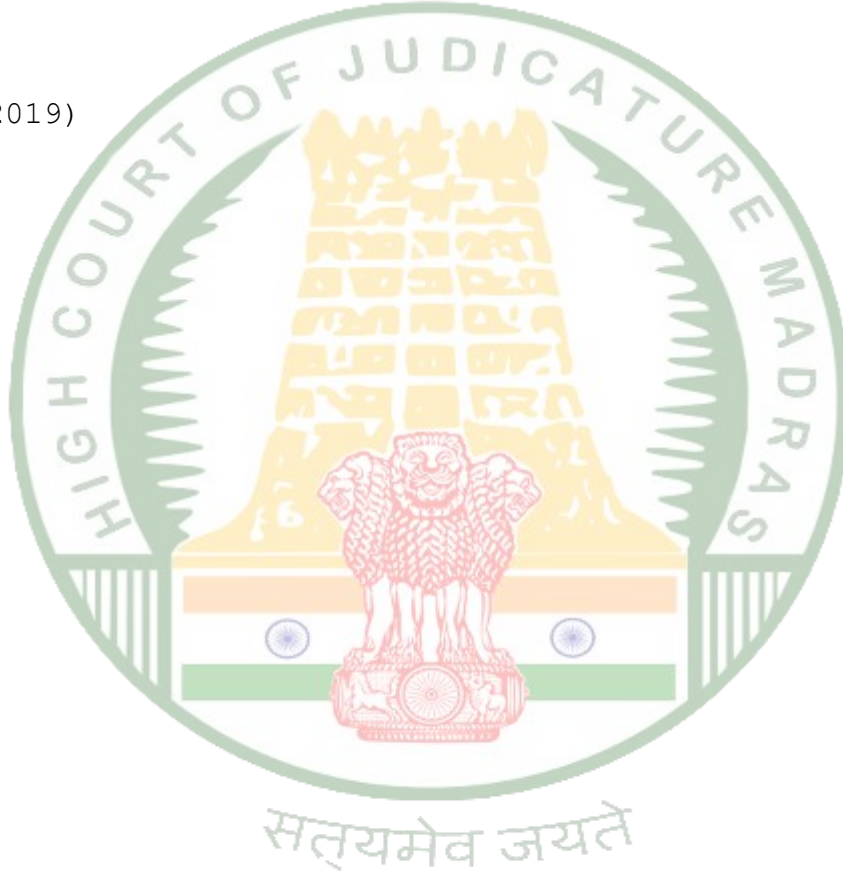
1.The Inspector of Police
Attur Town Police Station
Salem District.

2.The Public Prosecutor
High Court, Madras.

+lcc to Mr.C.Sivakumar, Advocate, S.R.No.10018

HCP.No.285 of 2019

PPA (CO)
GN(07/03/2019)



WEB COPY