

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.325 of 2019

V.Arumugam ... Petitioner

Versus

State rep by.

1.The Inspector of Police,
Namakkal Police Station,
Namakkal,
(Cr.No.32 of 2019)

2.Gopi ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus directing the 1st respondent to bring and produce the detenu by name A.Lathika (aged about 15 years) before this Court from the illegal custody of the 2nd respondent and hand over to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu, namely A.Lathika, aged about 15 years (D.O.B.13.07.2004) and alleging that she had fallen to the sweet words of the second respondent and was found missing from 14.01.2019, onwards. The complaint given by him in this regard has resulted in registration of a case in Cr.No.32 of 2019, for the commission of offence under

Section 366A IPC. The petitioner apprehending that he was very much concerned about the safety and well being of his minor daughter, came forward to file this Habeas Corpus Petition.

2. The Habeas Corpus Petition was entertained on 27.02.2019. The matter is listed today at the instance of the learned Additional Public Prosecutor, who made a mention that the detainee has been secured.

3. The detainee is produced before this Court and this Court has also enquired the detainee, who, in turn would state that on her own volition, she went with the 2nd respondent and both of them had resided at Thiruppur and worked in Banian Company and now she is willing to go back with her parents and pursue her academic career.

4. The parents of the detainee, who is present before this Court, were also enquired and they also say that they will take care of the well being and future career of their daughter and they are willing to continue with the education of their minor daughter.

5. The learned Additional Public Prosecutor appearing for the State would submit that the 2nd respondent has been arrested and the provisions of law has been altered into Sections 5(1) and 6 read with 17 of POCSO Act and now he is remanded to judicial custody and both the detainee as well as the second respondent had been subjected to medical examination.

6. In the light of the above fact that the minor detainee has been secured and she also expresses her willingness to go with the parents, who are present before this Court, her custody is restored to the parents.

7. The Habeas Corpus Petition is disposed of, with the above observation.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

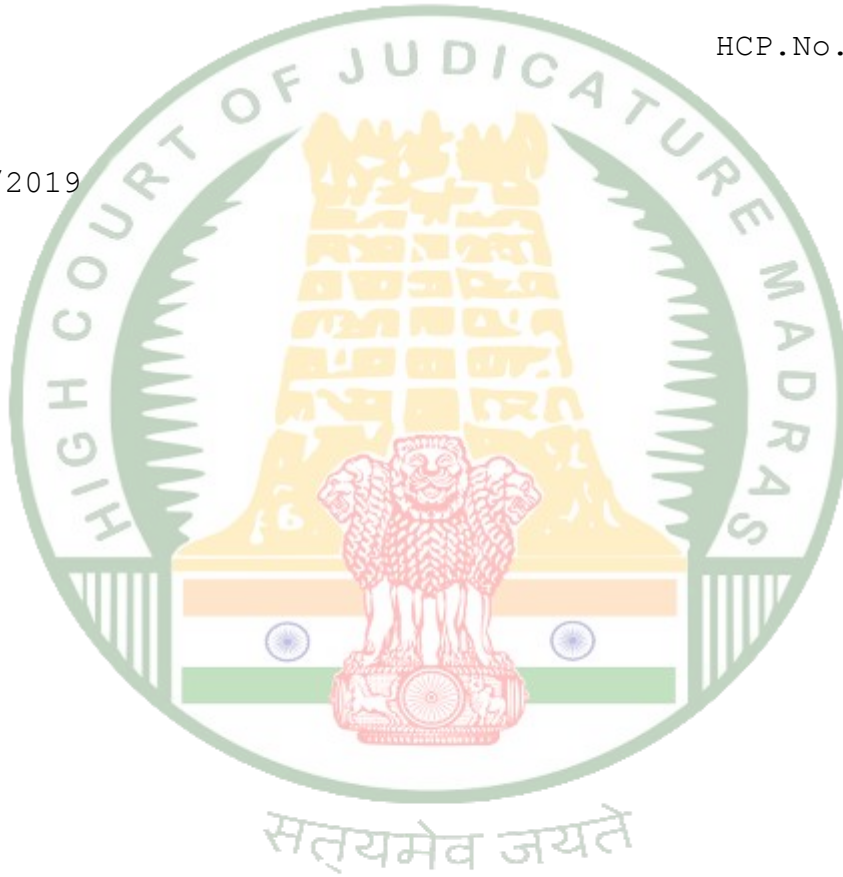
To

1.The Inspector of Police,
Namakkal Police Station,
Namakkal District.

2.The Public Prosecutor
High Court, Madras.

HCP.No.325 of 2019

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srg 11/06/2019



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