

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.394 of 2019

Periyasamy .. Petitioner/Father of the detenu

Versus

1.The State rep.by
The Superintendent of Police,
Vellore District, Vellore.

2.The State Rep.by
The Sub Inspector of Police,
Banavaram Police Station,
Banavaram, Vellore District.

3.Elumalai ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 2nd respondent to produce the detenu namely Vinothini, daughter of Periyasamy, aged 14 years, before this Court from the custody by the 3rd respondent and hand over to the petitioner.

For Petitioner: Mr.G.Somasekar

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

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ORDER

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

The petitioner is the father of the detenu, namely Vinothini, aged about 14 years, who was born on 27.03.2004 and according to him, the the 3rd respondent, who is her neighbour, started following her daughter whenever she went to School and he was also given sufficient warning. The petitioner, in

connection with the job, used to visit Bangalore and taking advantage of the same, the 2nd respondent illegally taking the custody of his daughter on 10.02.2019 and efforts made by him to trace the detainee has ended in vain and he lodged a complaint on the file of the 2nd respondent, based on which, a case in Crime No.49/2019 was registered for the commission of offence under Section 366 (A) IPC.

2. The detainee has been traced today and she would state that she went on her own volition with the 3rd respondent, as she is in love with him and she is willing to go back with her father / petitioner herein.

3. The father of the detainee was also present before this Court and he was also enquired and he would state that he is willing to take back her daughter and he will be provided with good education.

4. Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the State would state that initially a case was registered for the commission of offence under Section 366(A) IPC and on securing the detainee, Section 6 of POCSO Act has also been added and efforts are being taken to trace the 3rd respondent and the detainee was also subjected to medical examination.

5. In the light of the fact that the detainee / minor daughter of the petitioner has been traced and the petitioner is also willing to take back the custody of his daughter and also gave an assurance as to her well being and safety, this Court is of the considered opinion that no further orders are necessary in this Habeas Corpus Petition.

6. Accordingly, the Habeas Corpus Petition is closed. The 2nd respondent is also directed to file a Status Report as to the progress of the investigation being made in the present Crime No.49/2019.

Call on 20.03.2019. Status Report of the 2nd respondent by then.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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

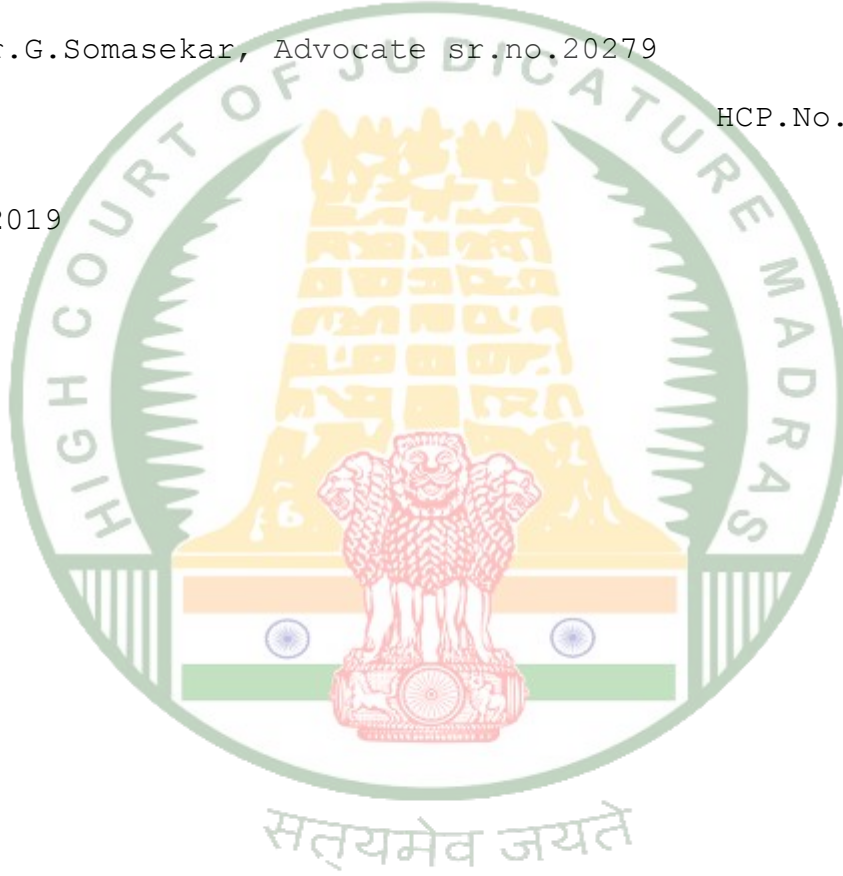
2.The Sub Inspector of Police,
Banavaram Police Station,
Banavaram, Vellore District.

3.The Public Prosecutor
High Court, Madras.

+lcc to Mr.G.Somasekar, Advocate sr.no.20279

HCP.No.394 of 2019

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nr 03/04/2019



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