

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM:

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

H.C.P.No.409/2019

S.Jayanthi

.. Petitioner

vs.

State represented by

1. The Superintendent of Police
Dharmapuri, Dharmapuri District.

2. The Inspector of Police
Kadathur Police Station
Dharmapuri District.

3. R.Damodharan

.. 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 body and person of S.Sindhuja, minor daughter of Selvam, aaged 17 years, before this Court who is in the custody of the 3rd respondent at Vetharampatti Village and post, Dharmapuri District and hand over to the petitioner.

For Petitioner .. Mr.C.D.Sugumar

For RR 1 & 2 .. Mr.C.Iyyappa Raj, APP

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J)

The petitioner is the mother of the detenue Sindhuja, who is aged about 17 years, [DOB 10.11.2001] and according to her, she was studying Diploma in Pharmacy in Vivekananda Women's College at Tiruchengode and she came back to her parental home during holidays and however, she was found missing from 18.02.2019 and apprehending the illegal custody and detention of her daughter at the hands of the 3rd respondent, the petitioner lodged a

complaint and upon receipt of the same, the 2nd respondent has registered a case in Crime No.43/2019 for the offence u/s.366-A IPC and took up the case for investigation. The petitioner, being the mother of the detainee is very much concerned about the welfare of her minor daughter and is also concerned about the whereabouts and well being of the detainee, came forward to file the present petition.

2 The matter is listed today for admission and this Court heard the submission of the learned counsel for the petitioner and Mr.C.Iyyappa Raj, learned Additional Public Prosecutor who accepts notice on behalf of the respondents 1 and 2.

3 The learned Additional Public Prosecutor appearing for the State has produced the Case Diary relating to the case in Cr.No.43/2019 registered by the 2nd respondent and would submit that the detainee Sindhuja was traced and she was produced before the Court of Judicial Magistrate, Pappireddipatty and the learned Magistrate made an enquiry and the victim girl was not prepared to go along with her parents and therefore, passed an order of direction, directing her production before the Child Welfare Committee, Kurinjinagar Thoppu, for necessary action. A perusal of the Case Diary would also disclose among other things that the Investigating Officer has also made a requisition to the Duty Medical Officer, Government Hospital, Harur, to conduct medical examination of the detainee.

4 In the light of the said development, nothing remains for further adjudication in this petition and therefore, the Habeas corpus Petition is closed.

5 However, the petitioner - mother of the detainee, is at liberty to approach the learned Judicial Magistrate, Pappireddipatty, as well as the Child Welfare Committee, Kurinjinagar Thoppu, to work out her remedy in accordance with law.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Superintendent of Police
Dharmapuri, Dharmapuri District.
2. The Inspector of Police
Kadathur Police Station
Dharmapuri District.
3. The Public Prosecutor,
Madras High Court, Madras.

H.C.P.No.409/2019

RSI (CO)
SSM(26/03/2019).



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