

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.546 of 2019

B.Appunraj

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Petitioner

Versus

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

2.The Assistant Superintendent of Police,
Ponneri Division,
Ponneri-601 2014,
Tiruvallur District.

3.The Inspector of Police,
Ponneri Police Station,
Ponneri-601 204,
Tiruvallur District.

4.Tamizh

..

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 3rd respondent to produce the petitioner's minor daughter, A.Sneha, aged about 16years, before this Court and handover to the petitioner.

For Petitioner :

Mr.R.Munuswamy

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 minor detenue, aged about 16 years (D.O.B.07.06.2002). According to him, she was doing 1st year Diploma nursing in a private Nursing College and she was found missing from 18.02.2019. The petitioner alleging that she is kept under illegal custody / detention at the hands of the 4th respondent, who is also a married man and father of two children, came forward to file this Habeas Corpus Petition.

2. The learned counsel appearing for the petitioner would submit that based on the complaint given by the petitioner, the 3rd respondent has registered a case in Cr.No.96/2019 on 19.02.2019 for "Girl Missing" and on account of efforts made by the petitioner, the detenue has been traced and produced before this Court.

3. The detenue, who is present before this Court has also enquired by this Court and she would state that she had developed love with the 4th respondent and accordingly, she voluntarily leave the parental home on 18.02.2019 and married the 4th respondent on 20.02.2019 at Thangavinayar Temple, Thiruporur. When this Court asked her to produce the proof of marriage, she would state that there is no proof of marriage including photographs, said to be taken at the time of marriage and now she expressed

her inclination to go with the petitioner/father, who is present before this Court.

4. The father of the detainee is also present and he would state that he is willing to take back the custody of his daughter and he will take all necessary steps to pursue the academic career of his daughter.

5. Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the State would submit that after effecting arrest of the 4th respondent, the Sections have been altered to 366A, Section 5(1) and 6 of POCSO Act and he has been remanded to judicial custody and the medical Examination of the minor detainee has already been done and the report is awaited and insofar as the 4th respondent is concerned, it is yet to be conducted.

5. In the light of the fact that the detainee is a minor and she has also expressed her willingness to go with the father / petitioner, who is present before this Court, this Court entrusted the custody of the minor detainee to the father / petitioner. The 3rd respondent is directed to continue with the investigation in Cr.No.96 of 2019 in a fair and impartial manner and file the final report before this Court as expeditiously as possible.

M.SATHYANARAYANAN, J.

AND

M.NIRMAL KUMAR, J.

6. The Habeas Corpus Petition is disposed of, accordingly.

[M.S.N., J] [M.N.K., J]
10.04.2019

Internet : Yes/No
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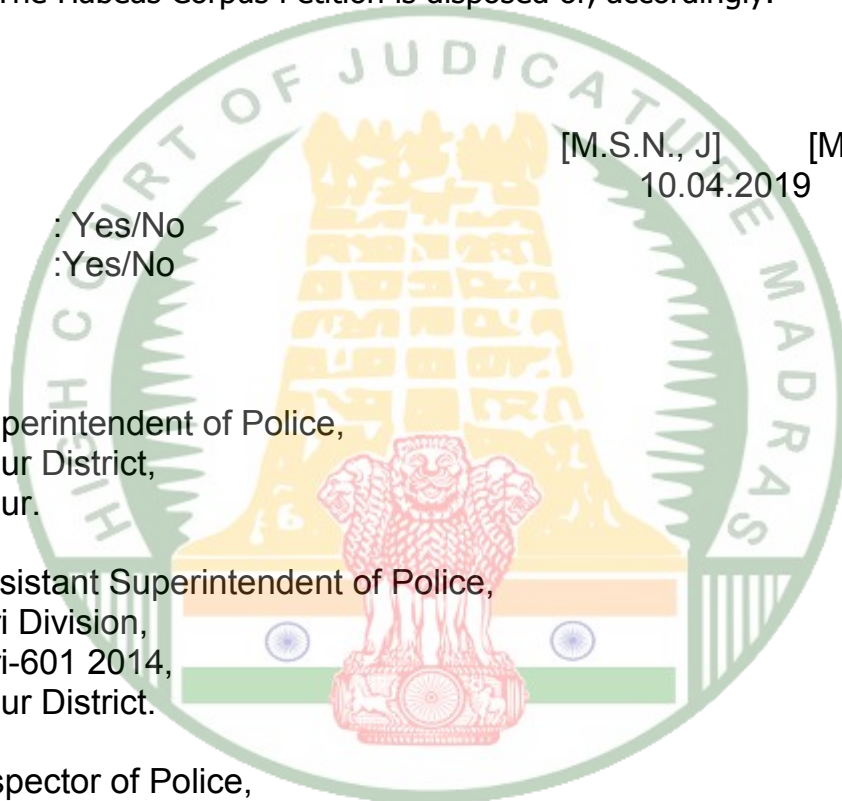
To

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4.The Public Prosecutor
High Court, Madras.



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