

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKA RAMAN

H.C.P.No.1625 of 2018

Ms.Parimala

.. Petitioner

Vs

1.The Superintendent of Police,
Villupuram, Villupuram District

2.The State rep. by the
Inspector of Police,
Kadachipuram Police Station,
Villupuram District

3.Alavanthan

..

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, directing the respondents 1 and 2 to produce the body and person, the detinue by name Prithiya D/o Shakthivel, aged about 17 years before this Court and handover to the petitioner.

For Petitioner .. Mr.K. Balu

For Respondents.. Mr.R Prathap Kumar
1 & 2 Addl. Public Prosecutor

ORDER

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

Seeking a direction to the respondents 1 and 2 to produce the body of the detinue namely Prithiya D/o Shakthivel, aged about 17 years and set her at liberty, the present habeas corpus petition has been filed.

2. The petitioner is the mother of the detinue.

3. The learned Additional Public Prosecutor would submit that it is the second time the detainee has left the house. At the time of first elopement, in pursuant to the complaint given by the petitioner, a case was registered in Cr.No.257 of 2018 under POCSO Act (Protection of Children from Sexual Offences) and investigation is over and charge sheet has been filed and it is yet to be taken on file.

4. Thereafter, again the detainee eloped with the third respondent, but after attaining majority and a case has been registered in Cr.No.311 of 2018 by the Inspector of Police, Pudupet Police Station, Cuddalore District under "Girl Missing".

5. The learned Additional Public Prosecutor would further submit that this petition has been filed placing reliance upon the first complaint given by the petitioner, for which, final report has been filed and the matter is pending with the Special Court. The efforts are on to trace the detenu.

6. In view of the above submissions, we are not inclined to keep the petition pending, However, the Inspector of Police, Pudupet Police Station shall continue the investigation and as and when, the detainee is secured, they should be produced before the concerned jurisdictional Magistrate. However, since in the first complaint, given by the mother of the detainee, investigation of the case in Cr.No.257 of 2018 is over and charge sheet has been filed, but yet to be taken on file by the Juvenile Justice Court Villupuram, we direct the learned Judicial Magistrate No.I -cum- Juvenile Justice Board, Villupuram to take the case on file at the earliest.

7. With the above direction, the Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
Villupuram, Villupuram District

2.The Inspector of Police,
Kadachipuram Police Station,
Villupuram District

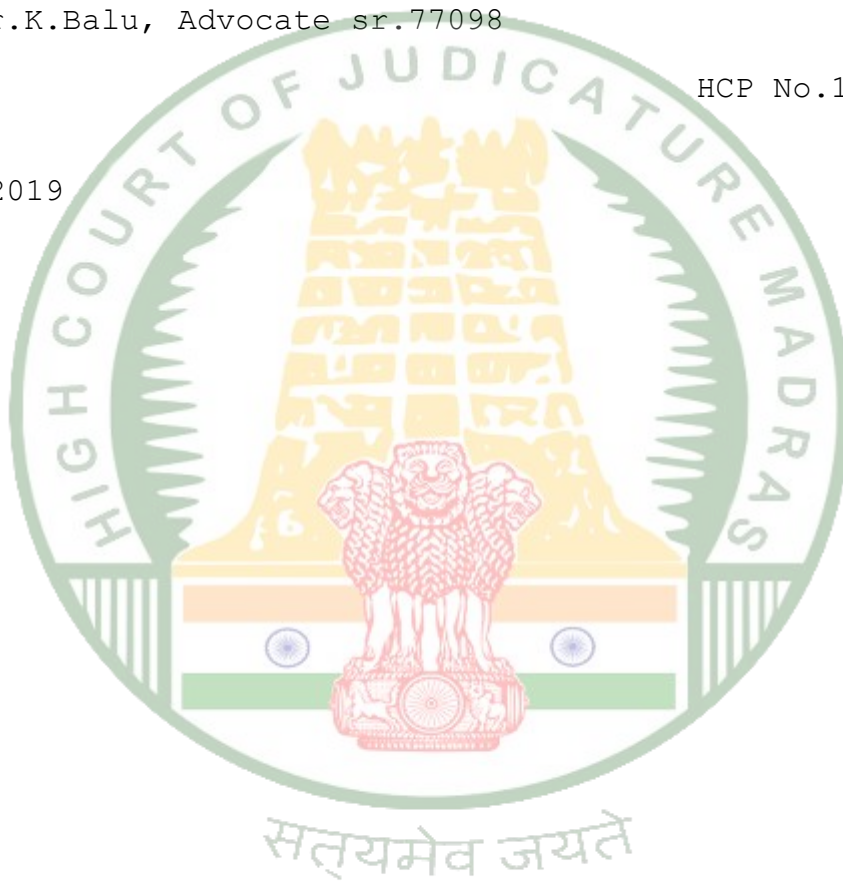
3. The Judicial Magistrate No.I,
Juvenile Justice Court,
Villupuram

4. The Public Prosecutor,
High Court, Madras

+1cc to Mr.K.Balu, Advocate sr.77098

HCP No.1625 of 2018

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