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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.12.2019
CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2577 of 2019

D.Perumal .. Petitioner

Vs.

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

2. The Inspector of Police,
D-3, Kanakamma Chatram Police Station,
Thiruvallur District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the second respondent to produce the body of the person of the detainee P.Mahalakshmi, daughter of Perumal, who is aged about 13 years, before this Court and to hand over her custody to the petitioner.

For petitioner : Mr.P.Shivaraj Mohan
For respondents: Mr.R.Prathap Kumar, Addl.P.P.

ORDER

(The Order of the Court was made by R.Subbiah,J)

This Habeas Corpus Petition is filed praying to direct the second respondent to produce the detainee P.Mahalakshmi, daughter of Perumal, who is aged about 13 years, before this Court and to hand over her custody to the petitioner.

2. The petitioner is the father of the detainee P.Mahalakshmi. In the affidavit filed in support of the Habeas Corpus Petition, it is stated by the petitioner that on 09.11.2019, his daughter went to school and thereafter, she did not return. The petitioner searched her in his relatives' houses and neighbour's houses, but he could not trace his daughter. Hence, he lodged a complaint with the second respondent. The said complaint was registered as Cr.No.381 of 2019 by the second respondent as 'girl missing'. But no effective steps were taken by the Police. Hence, the petitioner has come forward with the present Habeas Corpus Petition.



3. Today, when the Habeas Corpus Petition is taken up for consideration, the detainee is produced before us and we have enquired her and also her father. She submitted that she went along with one Dilli. She was secured by the Police after 12 days. The learned Additional Public Prosecutor appearing for the respondents submitted that the said Dilli is a notorious rowdy and number of cases are pending against him. Further, the F.I.R. is registered against the said Dilli for the offences under Sections 363 and 366-A IPC and also under Sections 3 and 4 of the POCSO Act.

4. When the matter came up on earlier occasion, this Court directed the Secretary of the District Legal Services Authority, Thiruvallur to locate a suitable Home for the detainee, where she can be accommodated with girls similar to her age and thereafter, admit her in the same Standard, either in the same school, where she was studying so far or admit her in a suitable School, to enable her continue her education, without any interruption.

5. Today, the Deputy Secretary of the State Legal Services Authority, High Court, Madras is present before us and we have also heard her.

6. It is submitted that now the detainee is staying in "Udhavum Karangal" organisation. The Deputy Secretary of the State Legal Services Authority submitted that the Secretary of the District Legal Services Authority, Thiruvallur, had addressed a letter dated 29.11.2019 to the Chairperson, Child Welfare Committee, Thiruvallur, for safe custody of the detainee in the said "Udhavum Karangal" for a period of two years and after two years, she may be reviewed before the Child Welfare Committee.

7. In view of the above submissions and letter, it is suffice to record the same. Accordingly, the same are recorded. The respondents are directed to proceed with the investigation in respect of the case registered against the said Dilli.

8. With the above observations, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

CS



To

1. The Superintendent of Police,
Thiruvallur District.
2. The Inspector of Police,
D-3, Kanakamma Chatram Police Station,
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2577 of 2019

SJ(CO)
CSR:22.01.2020