

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 04.12.2019

CORAM :

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

H.C.P.No.2681 of 2019

M.Santhana Krishnan
S/o.R.Madhavan Naidu

Petitioner

versus

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
M-3 Puzhal Police Station,
Puzhal, Chennai.

3.The Superintendent,
Government Observation Home for Boys and Girls,
Kelly's, Purasaivakkam,
Chennai - 600 010.

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the respondents to produce the detainee S.Gayathri, daughter of Santhana Krishnan, Female, aged about 17 years, petitioner's daughter, who is illegally detained by the third respondent before this Court and hand over the custody of the detainee to the petitioner, who is the natural guardian.

For Petitioner : Mr.M.Rajavelu

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of this Court was made by R.SUBBIAH,J.]

This petition is filed praying for issuance of a Writ of Habeas Corpus to direct respondents to produce the detainee, by name S.Gayathri, aged about 17 years, daughter of petitioner-Santhana Krishnan, before this Court and set her at liberty.

2. The petitioner is the father of the detainee-S.Gayathri, who is aged about 17 years. The detainee is a school student. On 24.10.2019, the detainee went to her School as usual but she has not returned home. Thereafter, the

petitioner searched the detinue from her relatives and neighbours, home but she could not trace the detinue. In this regard, the petitioner preferred a complaint before the second respondent-Police, which was registered in Crime No.520 of 2019 as "Girl Missing". After 12 days, the detinue was secured by the second respondent-Police and the petitioner came to know that the detinue was abducted by the third respondent and she was presently kept in Kelly's Government Home. Hence, the petitioner has come up with the present Habeas Corpus Petition.

3. When the petition is taken up for hearing today, the detinue-S.Gayathri is produced before this Court. She is aged about 17 years. Learned Additional Public Prosecutor appearing for the respondents submitted that a case has been registered as against the third respondent under Section 366 (A) of IPC and after medical examination, the second respondent-Police would alter the FIR one under POCSO Act. When we enquired the detinue, she has expressed her willingness to go along with the petitioner-father. The petitioner-father is also present before this Court.

4. Since the detinue is willing to go along with the petitioner-father, no further deliberations in that regard is warranted in this case. However, the second respondent-Police is directed to complete the investigation in respect of the above said complaint registered in Crime No.520 of 2019 and proceed further.

5. With these observations, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
M-3 Puzhal Police Station,
Puzhal, Chennai.

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RK(CO)
GMY(27/01/2020)



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