



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.522 of 2019

V.Pandiyan

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Thirunagar Police Station,
Madurai District.

3.Thiyagu @ Thiyagarajan

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to direct the respondents 1 & 2 to secure and produce the body or person of the petitioner's daughter, namely, Vairaselvi, D/o.V.Pandiyan (petitioner's minor daughter) aged about 17 years and produce before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.R.Ramasamy
for Mr.C.Vetrian

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
for R.1 & R.2

O R D E R

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

The petitioner is the father of the minor detinue, namely, Vairaselvi, aged about 17 years (Date of Birth - 11.03.2002) and alleging her illegal custody and detention at the hands of the third respondent, he lodged a complaint on the file of the second respondent and upon receipt of the same, a case in Crime No.213 of 2019 was registered for 'Girl Missing'. Apprehending safety, wellbeing and unable to know the whereabouts of his minor daughter, the petitioner came forward to file this Habeas Corpus Petition.



3.The detainee has been produced before this Court by the respondent police and the learned Additional Public Prosecutor has produced the proceedings relating to the alteration of charge dated 20.06.2019 and it would disclose that the detainee was found in the company of the third respondent and thereafter, the third respondent brought her back to Madurai and left her at M.G.R. Central Bus Stand. Accordingly, the case in Crime No.213 of 2019 was altered from 'girl missing' to Section 366(A) IPC, Section 5(1) r/w Section 6 of POCSO Act, 2012 and Sections 9 & 10 of Child Marriage Act. The learned Additional Public Prosecutor would further submitted that the third respondent is yet to be secured and the detainee has been subjected to medical examination.

4.The detainee is present before this Court and on enquiry, she stated that she is willing to go back with her parents and pursue her academic career.

5.In the light of the fact that the minor detainee has been secured and she is also willing to go back with her parents, her custody is entrusted to her parents, who are also present before this Court. The second respondent is directed to proceed with the investigation in accordance with law and file the final report before the competent Court.

6.In the result, this habeas corpus petition is disposed of.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Thirunagar Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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