



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

WEB COPY

DATE : 02.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD) NO. 582 OF 2019

M.Padmavathy

.. Petitioner

- Vs -

1. The Inspector of Police
Theppakulam Police Station,
Madurai.

2. The Superintendent
Tamil Nadu Government
Vigilance Home, Thiruppalai
Madurai.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus directing the respondents to produce the petitioner/detenué, viz., Padmavathy, D/o Murugesan, aged about 18 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr. K.Neethimohan

For Respondents : Mr. K.Dinesh Babu, APP

ORDER

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

The petitioner herself is the detenué and according to her, she was born on 26.5.2001 and she was adopted by one Murugesan. It appears that the petitioner/detenué developed intimacy with one Prabhakaran, S/o Raman, aged about 25 years and she was found missing from 11.10.2018 and her father had lodged a complaint in Crime No.937/2018 on the file of Teppakulam Police Station, Madurai.



2. The detainee was secured and since she was a minor at the relevant point of time, custody was handed over to 'Sakthi Vidial Home' at Palanganatham as per the order of the Special Mahila Court, Madurai and the detainee continues in the care and custody of the said Home. The detainee appears to have attained the age of majority on 26.5.2019 and, therefore, she wants to come out of the said Home to take care of her future and, therefore, she engaged the services of the present counsel, who filed CrI. M.P. No.1476/2019 in Crime No.937/2018 on the file of the Special Mahila Court, Madurai, praying for appropriate direction to meet the detainee and get her signature in the vakkalat. Accordingly, her counsel got the signature in the papers. The detainee has made a prayer that since she has attained the age of 18 years, she is having right to freedom and liberty and, therefore, has come forward with the present petition for her production before this Court and to set her at liberty.

3. Heard the submission of the learned counsel appearing for the petitioner and Mr.K.Dinesh Babu, learned Addl. Public Prosecutor, who accepts notice on behalf of the respondents and on instructions, submit that with regard to the missing of the detenu, a case in Crime No.937/2018 was registered and investigation led to the filing of the charge sheet in Special S.C. No.314/2019 on the file of the Special Mahila Court, Madurai and that trial is pending. Learned Addl. Public Prosecutor further submitted that the materials filed in support of the case prima facie disclose that the accused, viz., Prabhakaran, had kidnapped the detainee while she was a minor and during the period of minority, had physical relationship with her and, therefore, he has been charged for the commission of the offence u/s 366 (A) IPC and Section 5 (1) and (6) of Protection of Children from Sexual Offences Act, 2012 and, hence, prays for appropriate orders.

4. This Court has carefully considered the rival contentions and also perused the materials placed before it.

5. The detainee was born on 26.5.2001 and as on date she has attained the age of majority. During the period of minority, her custody was handed over to 'Sakthi Vidial Home'. It is also brought to the knowledge of this Court by the learned Addl. Public Prosecutor that the father of the detainee, viz., Murugesan, has refused to accept the custody of the detainee.

6. In the light of the above facts and circumstances, this Court directs respondents 1 and 2 to cause production of the detainee, viz., Padmavathy (DOB - 26.05.2001) before the Mahila Special Court, Madurai and the said Court, on appearance of the detainee, shall cause necessary enquiry and pass appropriate orders in accordance with law as to the prayer sought for by the detainee for her release from the said Home and the said exercise has to be



carried out and completed within a period of four weeks from the date of receipt of a copy of this order.

7. This habeas corpus petition is disposed of with the aforesaid direction. **Registry is directed to mark a copy of this order to the Presiding Officer, Mahila Special Court, Madurai.**

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

GLN

To

1. The Presiding Officer
Mahila Special Court
Madurai.
2. The Inspector of Police
Theppakulam Police Station,
Madurai.
3. The Superintendent
Tamil Nadu Government
Vigilance Home, Thiruppalai
Madurai.
4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1cc to M/S.K.NEETHIMOHAN,ADVOCATE, SR.NO.72825

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