



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.551 of 2019

Annalakshmi

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

3.Murugesan

4.The Inspector of Police,
Manapparai Police Station,
Trichy District.

... Respondents

(R4 suo motu impleaded as fourth respondent
as per the orders dated 25.06.2019 in HCP (MD)
551 of 2019)

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detainee by name, Thilagavathy D/o. Karuppiah, aged about 16 years, who have been illegally detained by the 3rd respondent and produce her before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents 1, 2 & 4 : Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

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

The petitioner is the mother of the detainee viz.,

<https://hcservices.ecourts.gov.in/hcservices/>



Thilagavathy, aged about 16 years [15.08.2002] and alleging her illegal custody at the hands of the third respondent, she came forward to file this Habeas Corpus Petition and it was entertained on 25.06.2019.

2.A mention was made by Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents for the reason that the detainee has been traced and produced and accordingly, this case has been taken up for hearing out of turn.

3.The detainee has been produced before this Court and she would state that her mother asked her to marry his brother Alagarsamy, who is aged 31 years and since she is not willing to marry the said person, she has been subjected to harassment and on her own volition she went with the third respondent and now she is willing to go with her mother.

4.The learned Additional Public Prosecutor appearing for the State on instructions would submit that on an earlier occasion, the detainee has eloped with the third respondent and the petitioner has filed H.C.P.(MD) No.372 of 2019 and when it was taken up for hearing, it was represented that she has been produced before the Court of Judicial Magistrate, Manapparai, where she has made allegations against her own parents and her maternal uncle and therefore, a direction was issued to produce the detainee before the Child Welfare Committee and accordingly, she was produced before the said Committee and from there, her custody was handed over to the petitioner and from her custody, she once again eloped with the third respondent.

5.The learned Additional Public Prosecutor appearing for the State would further submit that based on the complaint given by the petitioner, a case in Crime No.156 of 2019 was registered for the commission of offence under Section 366-A I.P.C. and the detainee is yet to be subject to medical examination and subject to the result of the medical examination, the F.I.R. would be altered accordingly.

6.The second respondent is directed to conduct a fair and quality investigation in respect of the case registered by them in Crime No.156 of 2019 and depending upon the medical examination of the victim girl, the section should be altered accordingly and thereafter, efforts should be taken to trace and secure the third respondent.

7.The detainee is a minor and she is willing to go with the mother, who is present before this Court, accordingly, her custody is entrusted with the petitioner/mother of the detainee.



8.The Habeas Corpus Petition is disposed of accordingly.
Call on 11.09.2019 for filing the status report.

WEB COPY

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The Superintendent of Police,
Trichy District.
- 2.The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
- 3.The Inspector of Police,
Manapparai Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

sj

H.C.P (MD) No.551 of 2019
21.08.2019

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