



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.572 of 2019

Kristhuraja

... Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur District,
Thanjavur.

2.The Inspector of Police,
Ammapettai Police Station,
Thanjavur.

... Respondents

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 1st and 2nd respondents to produce the body or person of the petitioner's minor daughter namely Agnesha, D/o.Kristhuraja, Female, aged about 14 years, before this Court and handover her custody to the petitioner.

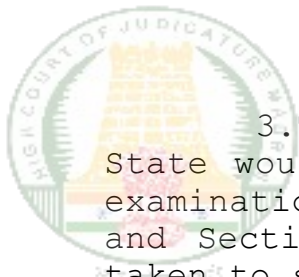
For Petitioner	: Mr.K.M.Karunakaran
For Respondents	: Mr.K.Dinesh Babu, Additional Public Prosecutor

O R D E R

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

The petitioner is the father of the minor detenu namely Agnehsa, aged about 14 years [Date of Birth 07.04.2005] and she was studying ninth standard and alleging that she was missing from 05.06.2019, came forward to file this Habeas Corpus Petition and the same has been entertained.

2.The detenu was produced before this Court and on enquiry, she would state that one Lakshmi, who is a distant relative was staying in their house and she wield out a threat that she is going to kill her younger brother, forcibly took her and forcibly conducted marriage with one Sekar and he also had physical relationship with her and now she has expressed her inclination to go with her parents, who are also present before this Court.



3.The learned Additional Public Prosecutor appearing for the State would submit that the detainee has been subjected to medical examination and a case has been registered under Section 366(A) IPC and Sections 6 and 5(i) of POCSO Act, 2012 and steps are being taken to secure the said Lakshmi and Sekar.

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4.Heard the submission of the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

5.In the light of the fact that the detainee has been traced and she has also expressed her inclination to go with her parents, who are also present before this Court, the custody of the minor detainee is handed over to her parents.

6.In the result, this Habeas Corpus Petition is closed. However, the second respondent is directed to take every efforts to trace the alleged accused namely Lakshmi and Sekar and conduct the investigation in a proper and qualitative manner.

7.Status report shall be filed in this regard by 12.09.2019.

8.The Deputy Superintendent of Police, Papanasam, shall also periodically monitor the investigation and give necessary inputs to the second respondent to conduct the investigation in a qualitative manner.

9.Call on 12.09.2019.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

dsk

To

1.The Superintendent of Police,
Thanjavur District,
Thanjavur.

2.The Inspector of Police,
Ammapettai Police Station,
Thanjavur.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



4. The Deputy Superintendent of Police,
Papanasam, Thanjavur District.

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