



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Original Jurisdiction)

Thursday, the Twelfth day of September Two Thousand and Nineteen

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PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN
AND
The Hon`ble Mr.Justice N.ANAND VENKATESH

HCP(MD). No.812 of 2019

Akilandam ... Petitioner/Mother of detenu

Vs

- 1 The Superintendent of Police,
Tuticorin District, Tuticorin.
- 2 The Inspector of Police,
Kayathar Police Station,
Kayathar, Tuticorin District. ... Respondents

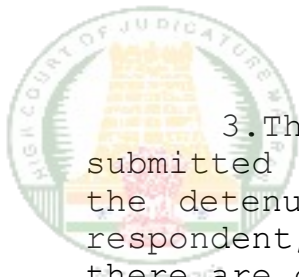
Prayer :-

This Petition is filed Under Article 226 of the Constitution of India praying to Direct the 1st and 2nd respondents to produce before this Honorable Court missing petitioner minor daughter namely P.Sangilimadathi, aged about 16 years, on the basis of the representation of the petitioner dated 05.07.2019 and give custody of the minor girl to the petitioner.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.Veilkaniraju, Advocate for the Petitioner and of Mr.K.Dinesh Babu Additional Public Prosecutor, on behalf of the respondents, this Court made the following order:

The petitioner is the mother of the detainee, who is aged about 16 years. She is said to be missing from 04.07.2019 onwards. Based on the complaint given by the petitioner, a 'girl missing' case has been registered by the second respondent in Crime No.157 of 2019 on 05.07.2019. Since no steps were taken to secure the detainee, the present Habeas Corpus Petition has been filed before this Court.

2. The learned counsel for the petitioner submitted that the girl is missing for more than two months and no steps have been taken by the second respondent to secure the detainee, who is aged about 16 years.



3. The learned Additional Public Prosecutor, on instructions, submitted that the respondent police is taking all steps to trace the detainee. According to the information received by the second respondent, the detainee has eloped with one Chinna Maharajan and there are chances of they having escaped to Kerala.

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4. We called for the Case Diary in order to ascertain the investigation that has been conducted in this case. To our shock and surprise, we find that there has been absolutely no progress in the investigation in the last two months, no effective steps have been taken by the second respondent to find the whereabouts of the detainee. We are absolutely disappointed in the manner in which the investigation is taking place in a case of this nature.

5. As a general trend, we find that in all cases, where minor girls are missing, the police has an attitude of treating those cases like any other criminal cases and they do not seem to be sensitive to such cases. The cases of such nature will have to be dealt with more seriously, since life of minor girls are involved in those cases (child under POCSO Act). When there is more delay in investigation, by the time the detainee is found out, irreparable damage would have been caused to the detainee. We therefore, expect that more sensitivity is shown by the police in all such cases, where F.I.R has been registered as 'girl missing' and more particularly, when the girls, are aged below 18 years. The police will have to approach such cases in the same way as if a minor girl is missing in their own family and they will have to show the same alacrity.

6. We make it clear that the second respondent shall take all steps to ascertain the whereabouts of the detainee and the above said Chinna Maharajan. The detainee shall be produced before this Court on 20.09.2019, failing which, the Superintendent of Police, Thoothukudi District shall be present before this Court.

7. Post on 20.09.2019.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

TO

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



2. The Inspector of Police,
Kayathar Police Station,
Kayathar,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai
4. The Director General of Police,
Chennai.
5. The Inspector General of Police,
Central Zone,
Trichy.
6. The Inspector General of Police,
South Zone,
Madurai.
7. The Inspector General of Police,
West Zone,
Coimbatore.
8. The Inspector General of Police,
North Zone,
Vellore.
9. The Inspector General of Police,
Chennai Range,
Madras.
10. The Commissioner of Police,
Chennai.
11. The Commissioner of Police,
Madurai District.
12. The Commissioner of Police,
Tirunelveli District.
13. The Commissioner of Police,
Trichy District.
14. The Commissioner of Police,
Coimbatore District.
15. The Commissioner of Police,
Salem District.



16.The Commissioner of Police,
Tirupur District.

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The Section Officer, (2 Copies)
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED :12/09/2019

HEARING DATED :20/09/2019

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ORDER
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HCP(MD) . No.812 of 2019

Giving direction and etc.
as stated within.

JMN(16.09.2019) 4P : 19C