



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

H.C.P (MD)No.945 of 2019

E.Andichi

...Petitioner/mother of
the
Detenu

Vs.

1. The Superintendent of Police,
Alagar Kovil Road, Pudhur,
Madurai District.

2. The State rep by its
The Inspector of Police,
Melur Police Station,
Madurai District.

3. The Inspector of Police,
Usilampatti Police Station,
Madurai District.

....Respondents

** R3 impleaded as per order of this Court dated 30.10.2019*

PRAYER: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the respondents to produce the detenu or her corpus namely Narmatha, D/o Elappan, aged 15 years, before this Court and set her at liberty forthwith.

For Petitioner

: Mr.K.Pandiyarajan

For Respondents

: Mr.K.Dinesh Babu,
Addl. Public Prosecutor

O R D E R

Pursuant to the orders passed by this Court on 30.10.2019, the detenu was produced before this Court along with one Rajeshwaran, who is said to have taken away the detenu and kept her in illegal detention.

2. We examined the detenu and she stated that her date of birth is 21.01.2004 and she developed a relationship with the above



said Rajeshwaran. On an earlier occasion, the detainee had eloped with the said Rajeshwaran and an F.I.R came to be registered before the Inspector of Police, Usilampatti Police Station in crime No.10 of 2019 for offences under I.P.C. and POSCO Act.

3. There are four accused persons in the said case. Apart from the above said Rajeshwaran, his mother, sister and father were also made as accused. The said Rajeshwaran and his mother were arrested and they were remanded to judicial custody and later they were released on bail by imposing certain conditions. The detainee further stated that she was not properly taken care by her mother and she was abusing her and therefore, the detainee again came out of her house and eloped with the said Rajeshwaran. The detainee stated that it is true that certain photographs and videographs were taken and she is not aware about the same being circulated in the social media. She categorically stated that she is not willing to go along with her mother and she wants to stay in the Home.

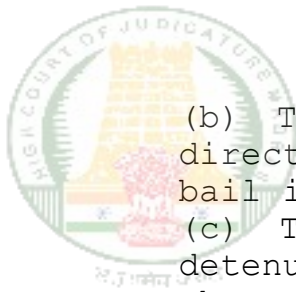
4. The mother of the detainee, who was present before this Court stated that the relatives of the above said Rajeshwaran had threatened her for having given the earlier complaint and only to put pressure, the photographs and videographs are now being circulated in the social media. She further stated that she will take care of the detainee and requested this Court to send the detainee along with her.

5. The respondent police also produced the said Rajeshwaran before this Court and he stated that there was a love affair between him and the detainee and that the photographs and videographs were taken with the consent of the detainee. He reported before this Court that a false case has been given only to harass him and he is not aware about the photographs and videographs being circulated in the social media.

6. The learned Additional Public Prosecutor, on instructions, submitted that the respondent police were able to secure the detainee and the above said Rajeshwaran when they surrendered before the police today morning. He further submitted that a 'girl missing' case has been registered by the second respondent in Crime No.550 of 2019 and steps are being taken to alter the F.I.R. He further submitted that steps are being taken to file a petition for the cancellation of bail in the other crime No.10 of 2019, in view of the subsequent conduct of the above said Rajeshwaran.

7. After carefully considering the submission made by the detainee and her mother and also Rajeshwaran and on hearing the learned counsel appearing either side, this Court is inclined to give the following directions:-

(a) The second respondent police is directed to produce the accused persons before the concerned Court and seek for their



(b) The Inspector of Police, Usilampatti Police Station is directed to take steps to file petition for cancellation of bail in crime No.10 of 2019;

(c) The second respondent police is directed to take the detainee to Sakthi Vidiyal Home, Muthupatti, Madurai and ensure the safety of the detainee;

(d) The detainee shall be kept in the above said Home until further orders are passed by the concerned Court with regard to handing over her to the mother of the detainee;

(e) The second respondent police is directed to seize all the incriminating materials including the mobile phone, photographs and videographs taken and also take steps to block the photographic and videographic contents that have been circulated in the social media. Immediate steps shall be taken in this regard. All these materials shall be submitted before the concerned Court during the course of investigation;

(f) The Home -Sakthi Vidiyal Home, Muthupatti, Madurai shall not permit the detainee to move out of the Home except with her mother and after informing the second respondent police;

(g) The second respondent police shall produce the detainee for medical examination tomorrow (i.e.) on 01.11.2019 and the detainee shall also be produced before the concerned Court for recording of 164 statement on 05.11.2019;

(h) As and when bail petitions are moved by the accused persons, the Concerned court shall hear the complainant also before passing any order.

Accordingly, this Habeas Corpus Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Alagar Kovil Road, Pudhur,
Madurai District.

2. The State rep by its
The Inspector of Police,
Melur Police Station,
Madurai District.



3. The Inspector of Police,
Usilampatti Police Station,
Madurai District.

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

Copy to :
The Sakthi Vidiyal Home,
Muthupatti, Madurai

Order made in
H.C.P (MD) No. 945 of 2019

Dated:
31.10.2019

KK/SAR/31.10.2019/4P-6C/