



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

H.C.P. (MD)No.971 of 2019

Gangadharan : Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District

2.The Inspector of Police
Moondaradaippu Police Station
Tirunelveli District.

3.Vishwanth : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct respondents to produce the body or person of detenu/petitioner's daughter namely, Babitha daughter of Gangadharan aged 17 years, before this Court and set her at liberty forthwith.

For Petitioner	: Mr.N.Mohideen Basha
For Respondents	: Mr.K.Dinesh Babu for R1 & R2 Additional Public Prosecutor

ORDER

S.VAIDYANATHAN, J.

AND

N.ANAND VENKATESH, J.

This petition has been filed to produce the body of the detenu, named Babitha, who is aged about 17 years.

2. The detenu was secured and produced before this Court today.

3. The name of the detenu is Babitha and her date of birth is
<https://hcservices.ecourts.gov.in/hcservices/>



10.10.2001. She stated that she fell in love with the third respondent and both of them eloped to Mandapam, Ramanathapuram District. They were living for nearly a month and the respondent police ultimately secured them. The detainee further stated that she has joined B.A. (English) course at Sara Tucker College, Palayamkottai and she was staying in a hostel. She further stated that she wants to go along with her father and continue her studies.

4. The petitioner was also present before this Court and he stated that he lost his wife in the year 2011 due to cancer and that he is employed at Mumbai. He further stated that he wants his daughter to continue her studies.

5. The learned Additional Public Prosecutor, on instructions, submitted that there are totally three accused persons in this case and A-2 was earlier arrested. Thereafter on 12.10.2019, the detainee was secured along with the third respondent, who has been ranked as A-1 in the Fir. A-1 was arrested on 12.10.2019 and he was remanded to judicial custody. The learned counsel further submitted that the FIR has been altered by adding the relevant provisions under the POCSO Act. The learned Additional Public Prosecutor further submitted that the detainee will be produced for medical examination tomorrow, ie., on 15.10.2019 and she will be produced before the concerned jurisdictional Magistrate Court for recording the 164 Cr.P.C. statement day after tomorrow, ie., on 16.10.2019.

6. Taking into consideration the facts and circumstances of the case and also the fact that the detainee has now been secured and has been handed over to her father, we deem it fit to dispose of this Habeas Corpus Petition with the following directions:

(a) the respondent police shall complete the process of the medical examination and the recording of the statement before the Judicial Magistrate, Nanguneri, within the time undertaken before this Court;

(b) the respondent police, in the course of investigation, shall seize all the photographs, mobile phones and other incriminating materials, if any, from the third respondent/A-1 in order to ensure that the same is not misused in future;

(c) the detainee, namely, Babitha shall continue her studies at Sara Tucker College, Palayamkottai and she shall be re-admitted into the hostel. The Management of the College shall not permit the detainee to leave the hostel except with her father;

(d) the second respondent police shall ensure the safety and security of the detainee and shall periodically visit the Principal of the College and collect reports. The respondent police shall go in mufti with proper identification; and

<https://hcservices.ecourts.gov.in/hcservices/> respondent police is directed to complete the



investigation and file a final report against the accused persons for all the offences committed by them, as expeditiously as possible.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

RR

To

1.The Judicial Magistrate,
Nanguneri.

2.The Superintendent of Police,
Tirunelveli District

3.The Inspector of Police
Moondaradaippu Police Station
Tirunelveli District.

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

5.The Principal,
Sara Tucker College,
Palayamkottai.

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-91755[F] dated
14/10/2019)

Order made in
H.C.P. (MD)No.971 of 2019
Dated: 14.10.2019

KK/SAR/14.10.2019/3P-7C/