



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.980 of 2019

Vellathurai

: Petitioner

Vs.

1.State represented by

Superintendent of Police,

Office of the Superintendent Police,

Dindigul District

2.The Deputy Superintendent of Police,

Office of the Deputy Superintendent of Police,

Nilakottai

3.The Inspector of Police

Viruveedu Police Station

Dindigul District.

4.K.Pasath

: 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 the respondents 1 to 3 to produce the person or body of the petitioner's minor daughter V.Sneha aged 15 years who is found missing from 25.08.2019 and under illegal custody of the 4th respondent before this Court and set her at liberty.

For Petitioner

: Mr.A.Sivasubramanian

For Respondents

: Mr.K.Dinesh Babu for R1 to R3

Additional Public Prosecutor

ORDER

S.VAIDYANATHAN, J.

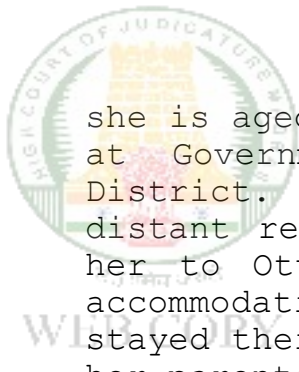
AND

N.ANAND VENKATESH, J.

On the mention made by the learned Additional Public Prosecutor, this case was taken up at the end of the list.

2. This petition has been filed to produce the body of the detainee, named Sneha, who is aged about 15 years.

3. The detainee namely, Sneha was produced before this Court. We enquired her and she stated that her date of birth is 27.08.2004 and



she is aged about 15 years. She further stated that she is studying at Government Higher Secondary School at Viruveedu, Dindigul District. She further stated that the fourth respondent is a distant relative on her mother's side and that he misled and took her to Ottacamund and both of them were working in a hotel and accommodation was also provided by the hotel. She stated that they stayed there for nearly 40 days. The detainee wanted to go along with her parents and continue with her studies.

4. The parents of the detainee stated that the detainee is a very bright student and she secured first mark in the 10th standard examination. They further stated that the fourth respondent has misled and taken the detainee and therefore, action must be taken against him.

5. The learned Additional Public Prosecutor, on instructions, submitted that the third respondent police registered an FIR in Crime No.122/2019 for offence under Section 366(A) IPC and subsequently, the FIR has been altered under Section 363 IPC read along with the offences under the POCSO Act. The learned Additional Public Prosecutor further submitted that the detainee and the fourth respondent were secured on 06.10.2019 at Batlagundu and on the same day, the fourth respondent was produced before the Mahila Court, Dindigul and he was remanded to judicial custody. The learned counsel further submitted that the medical test has been completed and the 164 Cr.P.C. statement of the detainee will be recorded by the Special Court shortly.

6. Taking into consideration the facts and circumstances of the case, we direct the third respondent police to produce the detainee before the Mahila Court, Dindigul on 16.10.2019 and the 164 Cr.P.C. statement shall be recorded on the same day. We further direct the third respondent to proceed further with the investigation in Crime No.122/2019 and file a final report as expeditiously as possible. In view of the fact that the detainee has expressed her willingness to go along with her parents, no further orders are required to be passed in that regard.

7. The Habeas Corpus Petition is disposed of with the above directions.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



RR

To

1.The Mahila Court, Dindigul.

2.The Superintendent of Police,

Office of the Superintendent Police, Dindigul District

3.The Deputy Superintendent of Police,

Office of the Deputy Superintendent of Police,
Nilakottai

4.The Inspector of Police

Viruveedu Police Station
Dindigul District.

5.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

H.C.P. (MD) No.980 of 2019

Dated: 14.10.2019

KK/SAR/15.10.2019/3P-6C/