



WEB COPY

H.C.P(MD)No.1095 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2019

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

H.C.P(MD)No.1095 of 2019

Sundaraj

... Petitioner

Vs.

1.Deleted.

2.Deleted.

[R.1 & R.2 are deleted as per the order of this Court dated 21.10.2019 made in H.C.P(MD) No.1095 of 2019.]

3.The Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.

4.The Inspector of Police,
Velapalaiyam Police Station,
Tiruppur District.

5.Muthu

6.Dharmar

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus to direct the respondents to produce the body and person of the detainee, by name, Muneeshwari, daughter of Sundaraj, aged 15 yerars, before this Court and hand over the custody of the detainee to the petitioner.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R.3 & R.4

* * * * *

ORDER

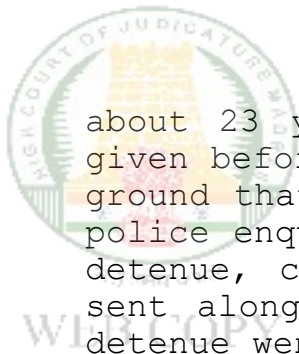
S.VAIDYANATHAN, J.

AND

N.ANAND VENKATESH, J.

The detainee - Muneeshwari was produced before us. We examined the detainee and she stated that her date of birth was 27.11.2003 and that she has a love affair with the fifth respondent, who is aged

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about 23 years. She further stated that earlier, a complaint was given before Koomapatti Police Station, Virudhunagar District on the ground that she went along with the fifth respondent. The concerned police enquired the parties and based on the statement given by the detainee, closed the case in C.S.R.No.221 of 2019. The detainee was sent along with her parents. Thereafter, again on 25.09.2019, the detainee went along with the fifth respondent and the petitioner, who is the father of the detainee, gave a complaint to the fourth respondent police. Based on the complaint, an F.I.R., came to be registered in Cr.No.454 of 2019 as 'Girl Missing' and it was altered to an offence under Section 366-A I.P.C., on 27.09.2019.

2. The detainee stated that she has discontinued her studies and that she wants to continue with her studies and go along with her parents.

3. The parents of the detainee were also before us. They stated that there are two more children who are younger to the detainee. They further undertook before this Court that they will not force the detainee to marry anyone and that they will support the detainee to pursue her education.

4. The learned Additional Public Prosecutor appearing for the respondents 3 and 4, on instructions, submitted that the fifth respondent has been arrested and remanded to judicial custody on 23.10.2019. The F.I.R., has been altered by adding the relevant offences under the POCSO Act. The learned Additional Public Prosecutor appearing for the respondents 3 and 4 further submitted that the medical examination has been completed and the detainee will be produced before the concerned Court for recording the statement under Section 164 Cr.P.C.

5. Taking into consideration the statements made by the parties and also the submissions made on either side, this Habeas Corpus Petition is disposed of, with a direction to the fourth respondent police to produce the detainee before the Mahila Court, Tiruppur, on 04.11.2019 and her statement under Section 164 Cr.P.C., shall be recorded on the same day. The fourth respondent police is further directed to proceed further with the investigation and complete the same as expeditiously as possible and file a final report before the concerned jurisdictional Court.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

rsb

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To

- 1.The Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.
- 2.The Inspector of Police,
Velapalaiyam Police Station,
Tiruppur District.
- 3.The Mahila Court,
Tiruppur.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.R.ALAGUMANI, Advocate Sr. No. 94981

H.C.P (MD) No.1095 of 2019
30.10.2019

KMK(CO)
TR(30.10.2019) 3P 6C