

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1979 of 2020

G.Jagadeesh

... Petitioner

-vs-

1.The Deputy Commissioner of Police,
Anna Nagar Range,
K4 Police Station Compound,
No.1, P Block, 6th Avenue,
Anna Nagar, Chennai - 40.

2.The State rep. by
Inspector of Police,
K 10 Koyambedu Police Station,
Chennai - 107.

3.N.Suthakar ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body of the detainee namely J.Deepa, D/o.Jagadeesh, aged about 17 years before this Court from the illegal custody of third respondent and hand over the minor girl to the petitioner.

For Petitioner : Mr.V.Raghupathi

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor
for R1 & R2

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Seeking a direction to respondents 1 and 2 to produce the body of the detainee namely J.Deepa, D/o.Jagadeesh, aged about 17 years before this Court from the illegal custody of third respondent and hand over the minor girl to the petitioner, the present habeas corpus petition has been filed by the father of the detainee.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

3.The status report filed by the first respondent reveals that a case has been registered in Crime No.1006 of 2020 for 'girl missing' on 10.10.2020. The detainee was stated to have eloped with the third respondent. The case has been altered into one under Section 366 IPC r/w Sections 5(i) and 6 of POCSO Act,2012 from 'girl missing' on 03.11.2020. The third respondent has been arrested and remanded to judicial custody. The detainee has been secured and on her refusal, handed over to the Child Welfare Committee.

4.Learned counsel appearing for the petitioner submitted that the detainee is now willing to join the petitioner. If that is the case, the petitioner can very well approach the Child Welfare Committee and in that eventuality, the detainee has to be sent along with the petitioner after completing the requisite formalities.

5.With the above observation, the habeas corpus petition stands closed.

सत्यमेव जयते -s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Deputy Commissioner of Police,
Anna Nagar Range,
K4 Police Station Compound,
No.1, P Block, 6th Avenue,
Anna Nagar, Chennai - 40.

2.The Inspector of Police,
K 10 Koyambedu Police Station,
Chennai - 107.

3. The Secretary
The Child Welfare Committee,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Raghupathi Advocate sr36271

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