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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2783 of 2019

P.Shankar .. Petitioner

Vs.

1. The State Rep. by
The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.

2. The Sub-Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.

3. M.Ajith .. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the second respondent to produce the body of the petitioner's daughter Minor S.Deepika (16 years), D/o P.Shankar, residing at Kazhikulam Village, Vazhathalangunam Post, Kilpennathur Taluk, Tiruvannamalai District, before this Court and from the illegal custody of the third respondent and hand over to the petitioner (father).

For petitioner : Mr.T.Velu

For respondents: Mrs.M.Prabhavathi, Addl.P.P. for RR-1 & 2

ORDER
(The Order of the Court was made by R.Subbiah,J)

This Habeas Corpus Petition is filed praying for issuance of a Writ of Habeas Corpus to direct the second respondent to produce the body of the petitioner's daughter Minor S.Deepika (16 years), D/o P.Shankar, residing at Kazhikulam Village, Vazhathalangunam Post, Kilpennathur Taluk, Tiruvannamalai District, before this Court and from the illegal custody of the third respondent and hand over to the petitioner (father).

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2. The petitioner is the father of the detenue. The petitioner's daughter, namely S.Deepika, aged about 16 years, is studying 11th Std. at Aayankulam Government Higher Secondary School. The third respondent, who is also residing in the same village where the detenue is residing, continuously followed the petitioner's daughter for the past six months and harassing her. The petitioner warned on several occasions. But he did not change his attitude. On 23.09.2019 at about 3 a.m., suddenly, the petitioner's daughter went missing. The petitioner, along with family members, searched in several places, but could not find her. Therefore, the petitioner lodged a complaint against the third respondent and his father Madhavan, mother Poomalli and his friends Elumalai and Prasanth before the second respondent-Police on 23.09.2019. FIR was registered as "Girl Missing" on 25.09.2019 in Crime No.433 of 2019.

3. Since the second respondent did not take any action, the petitioner filed H.C.P.No.2187 of 2019 before this Court. When the said H.C.P. was taken up for hearing on 15.10.2019, the detenue-Deepika was secured and produced before this Court. She expressed her willingness to go along with her father. Recording the same, the said H.C.P. was closed. However, this Court made it clear that investigation shall go on, as the detenue is a minor as per the School Certificate produced before this Court.

4. Thereafter, again the petitioner's daughter was missing on 21.11.2019. Therefore, the petitioner lodged a complaint on 22.11.2019 before the second respondent-Police, and the second respondent-Police registered the FIR in Crime No.517 of 2019 on 22.11.2019. But, no action was taken. Hence, the present Habeas Corpus Petition (HCP) is filed for the relief stated supra.

5. Today, when the matter is taken up for hearing, the detenue was produced. On enquiry, she has stated that she went along with the third respondent and now she is pregnant and stated that she is aged about 16 years. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that a case was registered against the third respondent under the POCSO Act and he was remanded to judicial custody.

6. The father and mother of the detenue are present before this Court. When we enquired them, the father expressed apprehension to take the detenue along with them to their house, stating that there is a chance of elopement again. Thus, the father prayed this Court to keep the daughter in the Home, namely, Children Welfare Committee Reception Home (FHe;ijfs; ey FGkk; tuntw;g [,y;yk;), (Cell No.97917 64332), Perumbakkam Road, Thiruvannamalai, where she is presently made to stay.

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7. In view of the above submission of the petitioner-father, we direct the respondents 1 and 2/Police to take the detenue to the said Home and she shall stay there for a period of six months.

8. With the above observations and direction, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.

2. The Sub-Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.

3. The Public Prosecutor, High Court, Madras.

4. Children Welfare Committee Reception Home
(குழந்தைகள் நல குழுமம் வரவேற்ப, இல்லம்),
(Cell No.97917 64332),
Perumbakkam Road, Thiruvannamalai.

H.C.P.No.2783 of 2019

EV(CO)
GMY(14/02/2020)

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