



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P.(MD) No.485 of 2020

Murugesan : Petitioner/Father of the detenu

-vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Karur District.
2. The Inspector of Police,
Velliyanai Police Station,
Karur District.

3.Sharan : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body and person of the Petitioner's minor daughter by name Janani, daughter of Murugesan, aged 17 years before this court and hand over the custody of the detenu to the Petitioner.

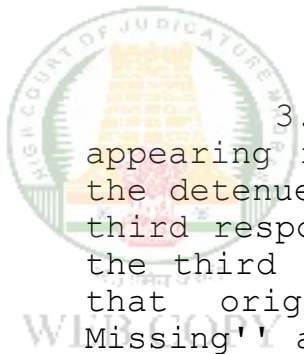
For Petitioner : Mr.R.Alagumani
For Respondents : Mr.K.Dinesh Babu
1 and 2 Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The prayer in the Habeas Corpus Petition is to direct the respondents to produce the Petitioner's minor daughter namely, Janani, aged 17 years before this court and hand over the custody of the detenu to the Petitioner.

2.It is the case of the Petitioner that on 30.6.2020, the third respondent herein had kidnapped her daughter. Even though a complaint was preferred immediately to the second respondent, but, no action was taken in accordance with law.



3.Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2 would state that the age of the detainee is 17 years and five months and she had eloped with the third respondent and hence, a criminal case was registered against the third respondent in Crime No.283 of 2020. It is further stated that originally, the case was registered under the caption 'Girl Missing' and after securing the third respondent, it was altered to 1 Section 366 of IPC and under the provisions of the Child Marriage Act and Prevention of Children from Sexual Offences Act. It is also stated that the third respondent was remanded to judicial custody. It is also stated that when the detainee was produced before the learned Judicial Magistrate No.II, Karur, she refused to go with the Petitioner and therefore, she is now in Government Vigilance Home, Kulithalai.

4.When the matter is taken up for hearing today, the detainee appeared before this Court through video-conferencing from the Additional Public Prosecutor's Office and on enquiry, she has stated that she is not interested to go with the Petitioner and she wants to continue to stay in the Government Vigilance Home, Kulithalai.

5.In the light of the statement referred to above, no further adjudication is required in this Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition stands dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

1. The Judicial Magistrate, Karur.

2. The Chief Judicial Magistrate, Karur.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The Superintendent of Police,
Office of the Superintendent of Police,
Karur District.
4. The Inspector of Police,
Velliyanai Police Station,
Karur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to: The Officer In-charge,
Government Vigilance Home,
Kulithalai,
Karur.

ORDER MADE IN
H.C.P. (MD) No.485 of 2020
04.11.2020

BK(CO)
CS(11.11.2020) 3P 7C