



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2020

CORAM:

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

H.C.P. (MD) No.863 of 2020

V.Chellammal ... Petitioner/mother of the detainee

-vs-

1.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Vada Madurai Police Station,
Dindigul District.

3.Vicky @ Vignesh ... Respondents

PRAYER: 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 person or body of the detainee namely Ganakalakshmi @ Divya, daughter of Velmurugan, aged about 15 years and hand over the custody to the Petitioner in connection with Crime No.1472 of 2020, on the file of the second respondent Police.

For Petitioner : Mr.G.R.Satish

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.]

This habeas corpus petition has been filed seeking a direction to the respondents 1 and 2 to produce the detainee namely, Ganakalakshmi @ Divya, daughter of Velmurugan, aged about 15 years and hand over the custody to the Petitioner.



2.The Petitioner would state that she is having one son and three daughters and the detinue is studying in 11th standard. However, she was found missing from 15.09.2020 and hence, a complaint was lodged to the second respondent and the same is registered in Crime No.1472 of 2020 on 16.09.2020. But, thereafter no appropriate steps was taken and hence the present Habeas Corpus Petition.

3.Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2 would state that on 15.09.2020, the detinue was aged about 16 years and on receipt of the complaint, originally, the case was registered under the caption ''Girl Missing'', however, subsequently, on 10.11.2020, the detinue was secured from the third respondent and thereafter, the case was altered to Section 366(A) of IPC and under the provisions of POCSO Act. The third respondent was also remanded to judicial custody.

4.The detinue along with the Petitioner appeared before this Court through video conferencing from the Additional Public Prosecutor's Office and on enquiry, she would state that she is ready to go with her mother. The father of the detinue is also present and they are ready to take the detinue with them.

5.In view of the above statement, this Court is of the view that no further adjudication is required in this Habeas Corpus petition and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar (CS-II)

// 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.

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



To:

- 1.The Superintendent of Police,
Dindigul District.
- 2.The Inspector of Police,
Vada Madurai Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) No.863 of 2020
18.11.2020

KM(CO)
KM (01.12.2020) 3P 4C