



WEB COPY

H.C.P.(MD) No.964 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.964 of 2020

S.Vellaichami

... Petitioner/Father of detenu

-vs-

1.The State, represented by
The Superintendent of Police,
Dindigul,
Dindigul District.

2.The Inspector of Police,
Batlagundu Police Station,
Dindugul District.

3.Kannan

... 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 Petitioner's minor daughter namely Vairam, daughter of Vellaichami, aged about 16 years before this Court and hand over the custody of Petitioner's daughter to the Petitioner.

For Petitioner : Mr.Ezhilarasu

For Respondents : Mr.R.Anandharaj,
1 and 2 Additional Public Prosecutor

O R D E R

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

Heard Mr.Ezhilarasu, learned counsel appearing for the Petitioner and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

2.This habeas corpus petition has been filed seeking for a direction to the respondents to produce the Petitioner's minor daughter namely, Vairam, aged 16 years and hand over the custody to him.

3.The Petitioner would claim that his daughter Vairam was studying 11th standard in HNUPR Higher Secondary School, Nilakkottai and from 3.10.2020, she is found missing. In this regard, a complaint was given to the second respondent on 5.10.2020 and a case was registered in Cr.No.1347 of 2020 under the caption 'Girl

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Missing''. But the respondent Police has not taken any action to secure the detainee as well as the third respondent.

4.The learned Additional Public Prosecutor would state that based on the complaint of the Petitioner, a criminal case was registered and the detainee was also secured by the second respondent Police and she was produced before the Judicial Magistrate Court, Nilakkottai on 17.11.2020 and as per the order of the learned Judicial Magistrate, the detainee was kept in Annai Sathya Home and thereupon, the case was altered under Section 363 IPC and under the provisions of the POCSO Act. The Police also produced the detainee before the Doctor for medical examination . However, subsequently, she escaped from the Home, for which, a separate criminal case was registered in Crime No.1115 of 2020, on the file of Thadikombu Police Station.

5.The learned counsel for the Petitioner would argue that though the offence is serious in nature, the second respondent Police so far has not arrested the accused namely, the third respondent. It is also stated that only at the intervention of the third respondent, the girl has escaped from the Home.

6.In reply, the learned Additional Public Prosecutor would state that the second respondent has now traced the third respondent and that he is in coimbatore and a Special Team has been formed by the first respondent to secure the accused. It is also stated that the second respondent would take appropriate action for the case registered against the third respondent.

7.In the light of the statement made by the learned Additional Public Prosecutor, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (RTI)

// 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

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



To:

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

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