

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice V.SIVAGNANAM

H.C.P. No.332 of 2021

Murugesan

.. Petitioner

Vs.

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

2.The Sub-Inspector of Police,
Melpatti Police Station,
Melpatti, Vellore District.

3.Chandra kumar @ Chandru

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the Sub-Inspector of Police, Melpatti Police Station, Melpatti, Vellore District, second respondent herein, to produce petitioner's daughter Minor M.Madhumitha, aged about 16 years, before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.R.Vinoth Kumar

For Respondents: Mr.R.Prathap Kumar

Additional Public Prosecutor

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

This habeas corpus petition has been filed seeking to direct the Sub-Inspector of Police, Melpatti Police Station, Melpatti, Vellore District, second respondent herein, to produce petitioner's daughter Minor M.Madhumitha, aged about 16 years, before this Court and hand over her custody to the petitioner.

2. It is the case of the petitioner that his daughter Madhumitha, aged about 16 years, went missing since 29.01.2021 and that the police are not taking effective steps to secure her.

3. On instructions, the learned Additional Public Prosecutor submitted that Madhumitha was in love with the third respondent and she eloped with him earlier on 07.09.2020, in connection with which, a case in Melpatti Police Station Crime No.313 of 2020 was registered for 'girl missing' and later, it was altered to one under Section 6 of the Protection of Children from Sexual Offences Act, 2012; the third respondent and Madhumitha were secured and custody of Madhumitha was given to the petitioner; the third respondent was arrested and remanded in judicial custody; after the incident, the family of the petitioner shifted to Bengaluru; after the third respondent was released on bail, he has gone to Bengaluru and eloped with the petitioner's daughter; the investigation in Crime No.313 of 2020 was completed and charge sheet has been filed in Special C.C.No.138 of 2020 against the third respondent before the Special Court for the POCSO Act Cases, Vellore and Non-Bailable Warrant is pending against the third respondent.

In such view of the matter, this habeas corpus petition is closed since it is seen that Madhumitha has eloped from Bengaluru and not from Tamil Nadu.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

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

2.The Sub-Inspector of Police,
Melpatti Police Station,
Melpatti, Vellore District.

3.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.R.vinoth kumar, Advocate, sr no.12441

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AJB (CO)

RMP (18/03/2021)