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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.668 of 2021

R.Prakasam,
S/o.Rangasamy ... Petitioner

versus

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

2.The Inspector of Police,
Morappur Police Station,
Dharmapuri District.

3.K.Naveenkumar

4.K.Nirmala ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the body of the petitioner's minor daughter namely P.Semmozhi, aged about 17 years, before this Court and handover to the petitioner from the illegal custody of the 3rd and 4th respondents.

For Petitioner : No Appearance

For Respondent Nos.1 & 2 : Mr.R.Muniyapparaj
Government Advocate [Crl. Side]

For Respondent Nos.3 & 4 : No Appearance

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

This petition has been filed seeking a direction to the respondents 1 and 2 to produce the petitioner's minor daughter viz. P.Semmozhi, before this Court, from the illegal custody of the respondents 3 and 4 and handover her custody to him.



2. No representation for the petitioner and respondents 3 and 4. Heard the learned Government Advocate [Crl. Side] appearing for the respondents 1 and 2.

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3. On 27.04.2021, we passed the following order; "It is the case of the petitioner that his daughter Semmozhi, aged about 17 years, went missing from 04.04.2020 and that the police are not taking effective steps to secure her.

2. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, as case in Morappur Police Station Crime No.72 of 2021 under Section 366-A IPC against Naveenkumar, third respondent herein, was registered on 04.04.2021 and investigation, is in progress.

3. In such view of the matter, this Court issues a direction to the Deputy Superintendent of Police, Harur Sub-Division, to monitor the investigation in Morappur Police Station Crime No.72 of 2021 and keep the petitioner informed of the developments, if any. As and when the detainee Semmozhi, aged about 17 years, is secured, she shall be produced before the Judicial Magistrate Court, Harur, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody in accordance with law.

Post the matter on 22.06.2021."

4. Today, when the matter was taken up for hearing, the detainee P.Semmozhi was produced via Video Conferencing by Ms.K.Manjula, Inspector of Police from Morappur Police Station.

5. When we enquired P.Semmozhi, she stated that her Date of Birth is 24.04.2003 and she also submitted her SSLC Marksheet to the Police, in that her Date of Birth has been shown as 24.04.2003. She further stated that she was in love with K.Naveenkumar (3rd respondent) and since her parents were not agreeable for their marriage, she eloped with him and got married with him on 03.05.2021.

6. Thus, we prima facie find that the detainee P.Semmozhi is not a minor and she is aged about 19 years. However, as directed by us, in our order dated 27.04.2021, she shall be produced before the learned Judicial Magistrate, Harur and the learned Magistrate shall pass appropriate orders with regard to the custody of the detainee P.Semmozhi.



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7. With the above observation, this Habeas Corpus Petition stands closed.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

sri

To

- 1.The Judicial Magistrate,
Harur.
- 2.The Superintendent of Police,
Dharmapuri, Dharmapuri District.
- 3.The Deputy Superintendent of Police,
Harur Sub-Division.
- 4.The Superintendent of Police,
Dharmapuri,
Dharmapuri District.
- 5.The Inspector of Police,
Morappur Police Station,
Dharmapuri District.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.668 of 2021

SS (CO)
GMY (22/07/2021)