

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 2434 of 2020

Kanagaraj

.. Petitioner

Vs.

1. The Commissioner of Police,
Chennai City.
2. The Inspector of Police,
Kodungaiyur Police Station,
Chennai.
3. Karan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the second respondent to produce the body and person of the detenu namely Sneha, D/o.Kanagaraj, aged about 18 years, before this Court from the illegal custody of the third respondent and set her at liberty.

For Petitioner .. Mr.S.Mohamed Ansar
For Respondents .. Mr.R.Prathap Kumar
Addl. Public Prosecutor
for R1 and R2

ORDER

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

Seeking a direction to the second respondent to produce the body and person of the detenu, namely, Sneha, D/o.Kanagaraj, aged about 18 years, before this Court from the illegal custody of the third respondent and to set her at liberty, the present habeas corpus petition has been filed.

2. It is the case of the petitioner that his daughter Sneha, aged 18 years, eloped with the third respondent on 03.12.2020 and that the police are not taking any effective steps to secure her.

3. Today, Ms.M.Suganthi, WHC-9676, P-6 Kodungaiyur PS is present before this Court. On instructions, Mr.R.Prathap Kumar, learned Additional Public Prosecutor submitted that on the allegation that the third respondent had sexual relationship with the petitioner's daughter, a case in MKB Nagar, AWPS Crime No. 964 of 2018 was registered under Section 366 IPC, later altered to Section 6 of the POCSO Act, 2012 and the charge-sheet was filed in Special S.C.No. 72 of 2019 in the Special Court for POCSO Act cases, Chennai against the third respondent.

4. During investigation of the case in Crime No. 964 of 2018, the third respondent was arrested and was later released on bail. While so, the petitioner's daughter has once again eloped with the third respondent and in that connection, a fresh case in Crime No. 1517 of 2020 has been registered for women missing on 04.12.2020 by the second respondent and the investigation is in progress.

5. Learned Additional Public Prosecutor also submitted that a Non-Bailable Warrant has been issued to secure the third respondent in Special S.C.No. 72 of 2019 and the same is pending execution.

6. Learned counsel appearing for the petitioner submitted that the petitioner's daughter received summons in Special S.C.No. 72 of 2019 for giving evidence on 01.12.2020, she has been taken away by the third respondent.

7. Be that as it may, the petitioner's daughter is not a minor, but, a major and that Non-Bailable Warrant is pending as against the third respondent. Under such circumstances, it cannot be stated that the petitioner's daughter is in the illegal detention of the third respondent.

8. Hence, this habeas corpus petition is closed with a direction to the police to execute the warrant and produce the third respondent and the daughter of the petitioner before the Special Court for POCSO Act Cases, Chennai, under intimation to the petitioner herein.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

SSM

To

1.The Commissioner of Police,
Chennai City.

2.The Inspector of Police,
Kodungaiyur Police Station,
Chennai.

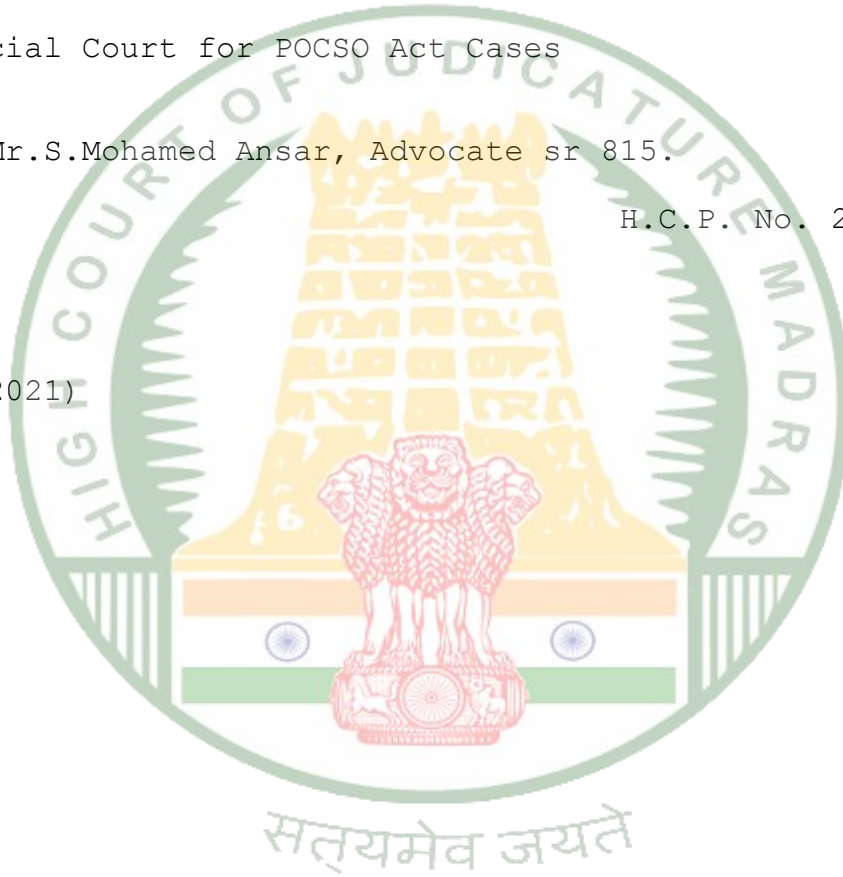
3.The Public Prosecutor,
High Court, Madras.

4.The Special Court for POCSO Act Cases
Chennai

+1 CC to Mr.S.Mohamed Ansar, Advocate sr 815.

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SR II (CO)
SP(05/02/2021)



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