



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2021

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

H.C.P. (MD) No.31 of 2021

Alagarsamy ... Petitioner/Father of the detenu e

-VS-

1.The State rep.by
The Superintendent of Police
Madurai District, Madurai

2.The Inspector of Police
Palamedu Police Station
Tirunelveli District

3.Jeyaprakash ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents to produce the body or corpus of the petitioner's minor daughter namely Jeyalakshmi, daughter of Alagarsamy, aged about 15 years, residing at Kali amman Kovil near, Palamedu, Madurai District, before this Court by securing her from the 3rd respondent and handover the custody to the petitioner.

For Petitioner : Mr.Jeyakumar.B

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor for R1 & R2

O R D E R

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

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 and 2 to secure his minor daughter, namely, Jeyalakshmi, aged about 15 years, from the custody of the third respondent, produce her before this Court and set her at liberty.



2. The petitioner would state that the detainee Jeyalakshmi is 15 years old and on 26.11.2020, she went to meet her grandmother Mahalakshmi and thereafter, she did not return to the house. Hence, he lodged a complaint with the second respondent on 27.11.2020 and based on the complaint, a case was registered in Crime No.1487 of 2020 under "Girl Missing". But, subsequently, no action was taken by the official respondents. The petitioner would allege that his daughter was abducted by the third respondent for ulterior purpose.

3. Mr.K.Dinesh Babu, learned Additional Public Prosecutor, on instructions, would state that the second respondent, based on the complaint of the petitioner, registered a case in Crime No.1487 of 2020 under "Girl Missing". During investigation, the second respondent Police secured the detainee along with the third respondent. Thereafter, the case was altered to under Sections 366A I.P.C., 9 and 10 of the Prohibition of Child Marriage Act, 2006 and 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012 and the third respondent was remanded to judicial custody by the Mahila Court, Madurai, on 04.02.2021. Since the detainee was not willing to go with the petitioner, she was sent to a Home.

4. Today, when the matter is taken up for hearing, the petitioner and the detainee appeared before this Court through Video Conferencing from the Office of the Public Prosecutor. On enquiry, the detainee would state that now she is willing to go with her father / petitioner herein and the same was accepted by the petitioner.

5. In the light of the above statement of the detainee as well as the petitioner, we are of the view that no further adjudication is required in this habeas corpus petition and the same is, therefore, closed.

Sd/-

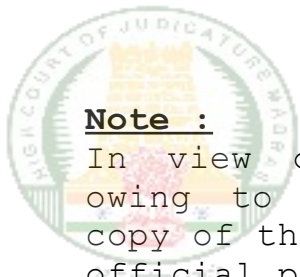
Assistant Registrar (AD I)

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/ /2021

Sub Assistant Registrar(CS)

KRK



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.

To:

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

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