



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2021

CORAM:

WEB COPY

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

H.C.P. (MD) No.59 of 2021

M.Paulraj

... Petitioner

-vs-

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

2.The State rep. by
The Inspector of Police,
Puthiamputhur Police Station,
Puthiamputhur
Thoothukudi District.

3.Mohammed Salman

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents No.1 and 2 to secure the petitioner's minor daughter or her corpus by name Muthulakshmi who is aged about 15 years from the illegal detention and custody of the third respondent and produce her before this Court and handover the custody forthwith to the petitioner.

For Petitioner: Mr.J.Sankarapandian

For Respondents: Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

This habeas corpus petition has been filed seeking a direction to the respondents 1 and 2 to secure his minor daughter namely, Muthulakshmi, aged about 15 years from the illegal detention of the 3rd respondent and handover her custody to the petitioner.



2.The petitioner would state that he is working as helper in a private company and his wife is also working in another private company. He blessed with two daughters, namely, Muthulakshmi and Priyatharshini, who are aged about 15 and 11 years respectively. He would further state that from 30.12.2020, his daughter Muthulakshmi was found missing. In this regard, he gave a complaint to the second respondent on 30.12.2020 and the same was registered in Crime No.430/2020 under girl missing, but no action was taken to secure the detainee. Hence, the present petition has been filed.

3.The learned Additional Public Prosecutor Mr.K.Dinesh Babu would state that the detainee was found missing along with third respondent and both of them were secured on 07.01.2021 at Salem and thereafter, the case was altered under POCSO Act. However, the third respondent has escaped and the respondent police is taking effective steps to arrest him.

4.When the matter is taken up for hearing today, the petitioner, the detainee and her mother appeared before this Court through video conferencing. On enquiry, the detainee is willing to go with her father, the petitioner herein. It is also accepted by the petitioner and his wife.

5.In the light of the above facts, we find no merit in this habeas corpus petition and hence, the same is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skn

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,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Puthiamputhur Police Station,
Puthiamputhur
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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NA (CO)

NR (02/02/2021) 3P : 4C