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H.C.P.(MD) No.208 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

H.C.P.(MD) No.208 of 2021

Chitra

... Petitioner

-VS-

- 1.The Commissioner of Police
Madurai Corporation City Limit
Madurai
Madurai District.
- 2.The Assistant Commissioner of Police
Madurai Corporation City Limit
(Law and Order)
Thallakulam, Madurai
Madurai District.
- 3.The State rep.by
The Inspector of Police
(Law and Order)
All Women Police Station
Madurai
Madurai District.
- 4.The Correspondent
Santhome Home Nursing Service
No.9, Sarojini Street
Chinna Chokkikulam
Tallakulam, Madurai
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 2nd and 3rd respondents herein to produce the body or person of detainee viz.Swetha, daughter of Balamurugan, aged about 17 years, before this Court and set her at liberty on the basis of the petitioner complaint dated 02.02.2021 in Crime No.8 of 2021, registered by the third respondent.



For Petitioner : Mr.Kannan.G.

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor for R1 to R3

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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 2 and 3 to produce her daughter, namely, Swetha, aged about 17 years, before this Court and set her at liberty.

2. The petitioner would state that she married one Balamurugan and through whom, she delivered three children and the detainee herein is one among them and she was studying Nursing Course in the fourth respondent - College and found missing from 31.01.2021.

3. Mr.K.Dinesh Babu, learned Additional Public Prosecutor would state that the detainee is 16 years old girl and she eloped with one Sevugaperumal @ Ajith and based on the complaint lodged by the petitioner, a case was registered in Crime No.8 of 2021 under "Girl Missing" and after securing the detainee, the case was altered into under Sections 5(1) and 6 of POCSO Act and the accused was remanded to the judicial custody on 10.02.2021 by the Special Court for POCSO Act Cases, Madurai.

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

5. In the light of the above submission of the detainee, the habeas corpus petition is closed.

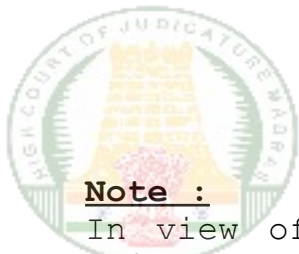
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Commissioner of Police,
Madurai Corporation City Limit,
Madurai, Madurai District.
- 2.The Assistant Commissioner of Police,
Madurai Corporation City Limit,
(Law and Order),
Thallakulam, Madurai,
Madurai District.
- 3.The Inspector of Police,
(Law and Order),
All Women Police Station,
Madurai, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.K.PANDIYARAJAN, Advocate (SR-5002[F] dated 15/02/2021)

H.C.P. (MD) No.208 of 2021

12.02.2021

KV(24.02.2021) 3P 6C