



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.261 of 2021

M.Rahamathullah

...Petitioner/ Father of the Detenue

-vs-

1.The State represented through
The Commissioner of Police,
O/o the Commissioner of Police,
Madurai.

2.The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.

3.Goutham ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body or person of the petitioner's daughter namely, Mehar Nisha, D/o Rahamathullah, aged about 17 years before this Court and hand over her to the petitioner.

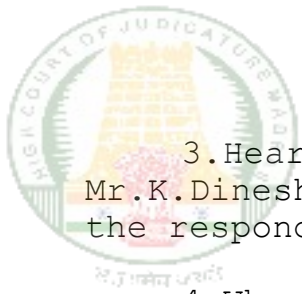
For Petitioner : Mr.SMA. Jinnah
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor (for R1 and R2)

O R D E R

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

The prayer in the habeas corpus petition is to direct the respondents to produce the petitioner's daughter namely, Mehar Nisha, aged about 17 years before this Court and hand over her custody to the petitioner.

2.The petitioner would state that his daughter Mehar Nisha was kidnapped by the third respondent on 01.02.2021 and the case was registered only on 03.02.2021 under 'women missing'. But no action was taken by the respondent.



3.Heard Mr.SMA.Jinnah, learned counsel for the petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

4.When the matter is taken up for hearing today, the detenue appeared before this Court and she has stated that her mother passed away and she is brought up her grandmother Suryabegam and now she wants to go with her grandmother, who is residing at Harvipatti, for which, the learned counsel for the petitioner has no objection.

5.The learned Additional Public Prosecutor would state that the detenue is 17 years old and she was found missing from 01.02.2021 and based on the complaint of the petitioner, a case was registered in Crime No.85/2021 on 03.02.2021 under 'girl missing', but subsequently, it was altered into 366A by the second respondent on 15.03.2021 and thereafter, the sections were altered into Sections 7 and 10 of POCSO Act. It is further submitted that the third respondent was remanded to judicial custody by the Mahila Court, Madurai.

6.In the light of the above facts, this habeas corpus petition is closed as no further adjudication is required.

Sd/-

Assistant Registrar (Records)

// 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 Commissioner of Police,
O/o the Commissioner of Police,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CN(20.05.2021) 3P 4C