



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

H.C.P. (MD) No.314 of 2021

Sasikala

... Petitioner/Mother of detenu

-vs-

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

2.The Inspector of Police,
Kattuputhur Police Station,
Trichy District.

3.Boopathi

4.Ramkumar

5.Sridhar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the 2nd respondent to produce the body or person of the petitioner's daughter namely, Madhumitha, D/o.Sudhakaran, aged about 16 years before this Court and handover the custody to the petitioner.

For Petitioner

: Mr.M.Subash Babu

For R1 & R2

: Mr.K.Dinesh Babu

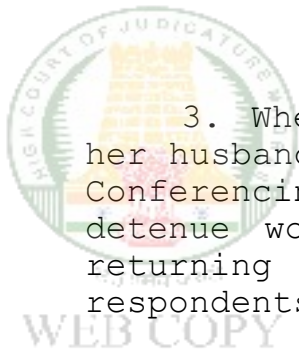
Additional Public Prosecutor

O R D E R

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

The prayer in this habeas corpus petition is to direct the second respondent to produce the petitioner's daughter, namely, Madhumitha, aged about 16 years, before this Court and handover the custody to the petitioner.

2. The petitioner would state that she is working as a coolie and she has two daughters and one son. The detenu is one among her children. The petitioner would further state that on 08.02.2021 the detenu went to School, however, she did not return back to home. On enquiry, she came to know that she was kidnapped by the respondents 3 to 5 and hence, she lodged a complaint with the second respondent and the case was registered in Cr.No.55 of 2021 under 'girl missing'. Since no appropriate action was taken, she has come up with this petition.



3. When the matter was taken up for hearing, the petitioner, her husband and the detainee appeared before this Court through Video Conferencing from the Public Prosecutor Office. On enquiry, the detainee would state that she is studying +2 and when she was returning back from the school, she was kidnaped by the private respondents. She is now willing to go with her parents.

4. Mr.K.Dinesh Babu, learned Additional Public Prosecutor, would state that based on the complaint of the petitioner, a case was registered on 10.02.2021 in Cr.No.55/2021 under 'girl missing'. Subsequently, the detainee was secured by the respondent police on 02.03.2021. The private respondents R3 to R5 were also arrested and thereafter, the section was altered into 366(A), 5(1), 6, 16 & 17 of POCSO Act and Sections 9 & 10 of Prevention of Child Marriage Act. It is further stated that the respondents 3 to 5 have been remanded to judicial custody and the statement under Section 164 of Cr.P.C., has been taken from the detainee.

5. In the light of the above submission of the detainee, nothing survives for consideration in this habeas corpus petition and the same is closed. No costs.

Sd/-

Assistant Registrar ()

// 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 Superintendent of Police,
Trichy, Trichy District.

2.The Inspector of Police,
Kattuputhur Police Station,Trichy District.

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

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-11548[F] dated 16/03/2021)

H.C.P. (MD) No.314 of 2021
12.03.2021

ES (CO)

KB(24.03.2021) 2P 5C

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