



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.07.2021

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

H.C.P. (MD) No.904 of 2021

P.Snetha ... Petitioner/Sister of the detenue

-vs-

1.The State, represented by
The District Superintendent of Police,
Office of the District Superintendent of Police,
Theni District -625 531.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Uthamapalayam,
Theni District - 625 533.

3.The Inspector of Police,
Thevaram Police Station,
Uthamapalayam Taluk,
Theni District - 625 530
(Crime Number:81 of 2021)

4.R.Tamil Selvan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 3 to produce the body or person of the Petitioner's younger sister namely, Nethra, daughter of Pandi, aged about 15 years before this Court and hand over the custody to the Petitioner.

For Petitioner : Mr.R.Karunanithi

For Respondents : Mr.S.Ravi
1 to 3 Standing Counsel for the State



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 1 to 3 to produce the Petitioner's younger sister namely, Nethra, daughter of Pandi, aged about 15 years before this Court and hand over the custody to the Petitioner.

2.Heard the learned counsel appearing on either side and perused the materials placed before this court.

3.The Petitioner is the sister of the detainee. It is stated that the Petitioner was married to the fourth respondent in the year 2019 and they are blessed with a female child on 04.05.2021. The detainee was residing with the Petitioner and she was found missing on 10.01.2021 and hence, she lodged a complaint with the third respondent on the same day and it was registered in Crime No.81 of 2021 under the caption 'Girl Missing'. It is alleged that the third respondent has completely failed in taking action against the fourth respondent with whom the detainee has eloped. Hence the Petitioner has come forward with the present Habeas Corpus Petition.

4.The detainee was produced by the third respondent. It is represented that the fourth respondent was arrested for his involvement in the case registered under POCSO Act and remanded to judicial custody. The Petitioner and the detainee appeared before this Court from the Public Prosecutor's Office through video-conferencing. On enquiry, the detainee would state that she wants to go with the Petitioner, which is accepted by her.

5.In the light of the statement made by the Petitioner and the detainee, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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.

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



To:

- 1.The District Superintendent of Police,
Office of the District Superintendent of Police,
Theni District -625 531.
 - 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Uthamapalayam,
Theni District - 625 533.
 - 3.The Inspector of Police,
Thevaram Police Station,
Uthamapalayam Taluk,
Theni District - 625 530
(Crime Number:81 of 2021)
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.R.KARUNANITHI, Advocate (SR-21751[F] dated 08/07/2021)

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LS (CO)
RK (15.07.2021) 3P 6C