



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2021

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

H.C.P. (MD) No.1322 of 2021

Krishnaveni

... Petitioner /
Mother of the Detenu

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanadhapuram District.

2.The Inspector of Police,
Town Police Station,
Ramanadhapuram District.

3.The Inspector of Police,
All Women Police Station,
Ramanadhapuram District.

4.Pandishvaran

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 to 3 to produce the body or person of the petitioner's minor daughter, by name, Santhiya, Daughter of Santhavazhiyan, aged 16 years before this Court and hand over the custody of the detenu to the petitioner.

For Petitioner : Mr.R.Velmurugan

For R1 to R3 : Mr.S.Ravi
Additional Public Prosecutor



O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

The mother of the detainee has approached this Court by way of this Habeas Corpus Petition contending that her minor daughter is found missing and she suspected that the fourth respondent may have the illegal custody of the minor girl.

2.In this regard, she lodged a complaint before the respondent police, which was registered in Crime No.16 of 2021 on the file of the Inspector of Police, All Women Police Station, Ramanathapuram District.

3. Today, the victim girl/Santhiya, aged about 16 years, has been produced before this Court. The petitioner/mother is also present before this Court. On enquiry, the minor girl stated that she had gone with the boy/4th respondent herein on her own volition to Coimbatore and she was in relationship with the boy/4th respondent herein, however, not married. On coming to know that her mother is searching her, she has come on her own and joined her mother and she expresses her willingness to go with her mother.

3. The learned Additional Public Prosecutor would submit that in respect of the incident, the third respondent police has registered a case under Section 363 IPC and Section 5(1) r/w 6 of the POCSO Act, against the boy/4th respondent herein and they are in search of the boy. He would further submit that medical examination of the girl is over and her statement under Section 164 of Cr.P.C. alone has got to be recorded by the Magistrate.

4.Taking note of the fact that the girl has been secured and joined her mother and the boy/4th respondent herein is absconding and the respondent police are in search of the boy, we find no further adjudication is required in this Habeas Corpus Petition.

5.Accordingly, this Habeas Corpus Petition is closed.

Sd/-

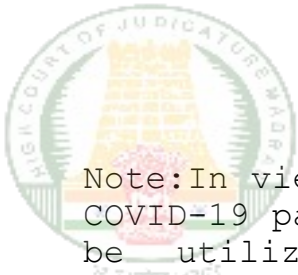
Assistant Registrar (AD II)

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/ /2021

Sub Assistant Registrar(CS)

PJL



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,
Office of the Superintendent of Police,
Ramanadhapuram District.

2.The Inspector of Police,
Town Police Station,
Ramanadhapuram District.

3.The Inspector of Police,
All Women Police Station,
Ramanadhapuram District.

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

+1 CC to M/s.R. VEL MURUGAN, Advocate(SR-36094[F] dated
26/11/2021)

**H.C.P. (MD) No.1322 of 2021
24.11.2021**

MGJ(03.12.2021) 3P 6C