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H.C.P. (MD) No.1416 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1416 of 2021

E.Rajalakshmi

... Petitioner /
Mother of the Detenu

Vs.

1.The Superintendent of Police,
O/o Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Taluk Police Station,
Neikkarapatti,
Palani Taluk,
Dindigul District.

3.M.Vijay

... 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 and 2 to produce the body or person of the petitioner's minor daughter/detenu, namely, E.Gomathi, aged about 15 years before this Court and handover the custody of the detenu to the petitioner.

For Petitioner : Mr.M.M.Iqbal

For R1 and R2 : Mr.A.Thiruvadikumar

Additional Public Prosecutor

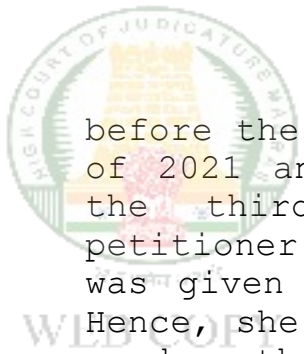
O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

The mother of the minor girl, aged about 15 years, is the petitioner herein. According to the petitioner, her minor daughter has been illegally taken away from her custody by the third respondent on 27.03.2021 and therefore, she gave a complaint



before the respondent police, which was registered in Crime No.161 of 2021 and thereafter, the police secured her daughter. Again, the third respondent illegally abducted and married the petitioner's minor daughter on 19.04.2021 for which a complaint was given on 27.04.2021 and registered in Crime No.318 of 2021. Hence, she seeks for a direction in the nature of Habeas Corpus to produce the body or person of her minor daughter.

2.The learned Additional Public Prosecutor submits that the minor girl, eloped for the second time with the third respondent has called her mother over phone on 25.11.2021 to rescue her from the clutches of the third respondent, who has enticed her and made her pregnant.

3. The petitioner herein has brought her to Madurai from Palani. Presently, the minor girl is taking treatment as inpatient at Government Rajaji Medical College Hospital, Madurai and it is also confirmed that at present she is 7 months pregnant. The police has registered case against the third respondent for the offence under Section 366 IPC altered into Section 363 IPC and Section 6 r/w 5 (1) (j) (ii) of POCSO Act. The third respondent is absconding and a team has been constituted to apprehend the third respondent.

4. From the above said submission, this Court finds that the girl has been rescued and she is presently in the custody of the mother and been treated for her ailment as inpatient in the Rajaji Government Medical College Hospital, Madurai. The perpetrator of the crime is still at large and police has registered a case against him.

5. In view of the fact that the detainee is rescued alive and now in the custody of the petitioner herein, this Habeas Corpus Petition is closed,

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /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



To

1.The Superintendent of Police,
O/o Superintendent of Police,
Dindigul District.

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2.The Inspector of Police,
Taluk Police Station,
Neikkarapatti,
Palani Taluk,
Dindigul District.

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

**H.C.P. (MD) No.1416 of 2021
01.12.2021**

RK(17/12/2021) 3P 4C