



WEB COPY

H.C.P.(MD) No.1584 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1584 of 2021

P.Tamilselvan

... Petitioner

-vs-

1.The Superintendent of Police
The Superintendent Office
Subramaniyapuram
Tiruchirappalli District

2.The Inspector of Police
Somarasampet Police Station
Tiruchirappalli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents herein to produce the person or body of petitioner's daughter detainee namely Vaishnavi, aged about 17 years (Minor) Daughter of Tamilselvan, before this Court and handover the custody to the petitioner.

For Petitioner : Mr.Sivachandran.P.
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

and

DR.G.JAYACHANDRAN, J.

This habeas corpus petition is filed by one Tamilselvan stating that his daughter Vaishnavi, aged about 17 years, is found missing from 17.09.2021 and her whereabouts are not known. His complaint given to the second respondent registered in Crime No.722 of 2021 on 18.09.2021, sofar not acted upon. Fearing danger to the life of his daughter, the petitioner has filed this habeas corpus petition to produce his minor daughter before this Court and hand over her custody to him.



2. The minor girl is aged 17 years old as per the birth certificate (DOB 25.06.2004). She was pursuing B.Sc., Micro Biology in Trichy Kavery Arts College, when she went missing. The respondent Police, on registration of the complaint, found that she is eloped with one Tamilarasan having fallen love with him. It appears that they were living as husband and wife for the past 2 ½ months. The missing girl being minor, the second respondent has altered the case in Crime No.722 of 2021 under Sections 366(A) I.P.C., and Section 5(1) read with Section 6 of POCSO Act against Tamilarasan on 04.12.2021. Having the said Tamilarasan been remanded to judicial custody, the minor girl was rescued from him and sent to TMSSS Home at Trichy.

3. The said minor girl is produced before this Court. The petitioner is also present before this Court. Since the minor girl is secured alive and produced before this Court, nothing survives in this habeas corpus petition.

4. Accordingly, the habeas corpus petition is closed. The Juvenile Justice Board shall take appropriate steps to record the statement of the minor girl and subject her examination before taking any decision regarding custody of the minor girl.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Juvenile Justice Board,
Trichy.

2.The Superintendent of Police,
The Superintendent Office,
Subramaniyapuram,
Tiruchirappalli District.



3.The Inspector of Police,
Somarasampet Police Station,
Tiruchirappalli District.

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

**H.C.P. (MD) No.1584 of 2021
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VR (CO)
SB(13.12.2021) 3P 5C