



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2021

CORAM:

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

H.C.P. (MD) No.1653 of 2021

Veerammal

... Petitioner /
Mother of the Detenu

Vs.

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

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

3.Muthamil

4.Muganthan

5.Sivanthiyan

6.Janaki

... 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 detenu, namely, Kalaiyarasi, D/o.Nagarasu, aged about 17years, who is under the custody of the 3rd respondent and handed over the custody to the petitioner.

For Petitioner : Mr.V.Sasikumar

For R1 and R2 : Mr.S.Ravi
Additional Public Prosecutor



O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

The petitioner is the father of the detenu, namely, Kalaiyarasi, aged about 17 years, who is found missing from 10.09.2021. In this regard he lodged a complaint on 11.09.2021 before the second respondent police and a case has been registered in Crime No.899 of 2021 under the head 'girl missing'.

2.When the matter is taken up for hearing today, the learned Additional Public Prosecutor, Mr.S.Ravi, would submit that the girl has been secured and the third respondent has been taken into custody and the offence was altered into Section 366 IPC and Section 5(1) r/w 6 of POCSO Act and Section 9 of Child Marriage Act, 2006 in Crime No.899 of 2021. He would further submit that medical test and statement under Section 164 Cr.P.C. is yet to be completed.

3.The girl was produced before this Court from the Home. When this Court pose a question to the girl, she expresses her willingness to go with her parents and further submits that on her own volition, she went along with the boy.

4.Since the medical test and statement under Section 164 Cr.P.C. is yet to be completed and till such time, she will be kept in the home, namely, Sri Venkateswara Orphanage, Kaduveli, Thillaisthanam Post, Thiruvaiyaru Taluk, Tamil Nadu-613 203. The learned Magistrate shall complete the other legal formalities as expeditiously as possible. After completion of medical test and recorded the statement under Section 164 Cr.P.C., the Magistrate shall take a decision regarding the custody of the minor girl.

5.With these directions this Habeas Corpus Petition is closed.

Sd/-

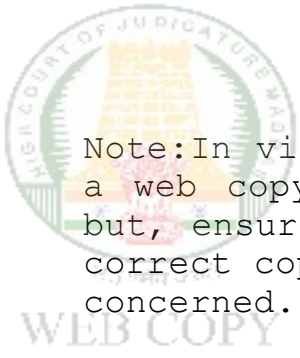
Assistant Registrar (CS-I)

// 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 concerned.

To

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

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

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

**H.C.P. (MD) No.1653 of 2021
22.11.2021**

RK(06/12/2021) 3P 4C