



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1684 of 2021

S.Mariyanayagam

... Petitioner /

Father of the Detenu

Vs.

1.The Sate represented by its
The District Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi,
Thoothukudi District- 628 101.

2.The Inspector of Police,
Masarpatti Police Station,
Masarpatti,
Thoothukudi District.
(Crime No.232/2021)

3.Vinith @ Jegathesh

... 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, namely, Mary Agnes, daughter of Mariyanayagam, aged about 17 years before this Court and hand over the custody to the Petitioner.

For Petitioner : Mr.A.Sahaya Philomin Raj

For R1 & R2 : 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 the father of the minor girl Mary Agnes, aged about 17 years on the premise that from 01.11.2021 his daughter is missing.



2. Based on his complaint, Masarpatti police/second respondent herein has registered a case in Crime No.232 of 2021 under the head 'girl missing' and taken up for investigation.

3. The learned Additional Public Prosecutor would submit that on investigation, it is found that the minor girl has eloped with one Vinith @ Jegathesh and she was secured on 12.11.2021 near Tapathi bus stop. The offender Vinith @ Jegathesh was also secured and remanded before the learned Magistrate, Special Court for POCSO Act, Thoothukudi. Charge alteration memo also filed and a case has been registered against the said Vinith @ Jegathesh for the offence punishable under Section 363 of IPC and 5(1) r/w 6 of the POCSO Act. He would further submit that the minor girl was secured by the respondent police and she is now at Home for counselling.

4. The learned counsel for the petitioner would submit that the petitioner may be permitted to meet his daughter at the Home and take appropriate recourse to take the custody of his child before the appropriate forum. The said permission is granted.

5. Accordingly, this Habeas Corpus Petition is dismissed in view of the fact that the minor girl has been secured and the offender has already been remanded to judicial custody.

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 District Superintendent of Police,
State of Tamilnadu,
Office of the Superintendent of Police,
Thoothukudi,
Thoothukudi District- 628 101.



2.The Inspector of Police,
Masarpatti Police Station,
Masarpatti,
Thoothukudi District.

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

**H.C.P. (MD) No.1684 of 2021
19.11.2021**

RD(06.12.2021) 3P 4C