



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1716 of 2021

WEB COPY

S.Hemamalini

... Petitioner/Mother of
the Detenu

Vs.

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

2.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.

... 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 to produce the person or body of the detenu, namely, S.Santhiya, D/o.Senthil Kumar, aged 17 years and hand over the custody to the petitioner.

For Petitioner : Ms.M.Viji

For R1 and R2 : Mr.S.Ravi

Additional Public Prosecutor

O R D E R

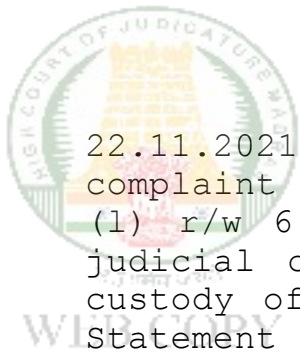
S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

The petition is filed by the mother stating that her minor daughter found missing since 25.09.2021 and therefore a complaint was given before the second respondent to trace her minor daughter and a case has been registered in Crime No.483 of 2021 under the head 'girl missing'. In spite of more than 40 days, the police were not able to trace her minor daughter and hence the present Habeas Corpus Petition.

2. The respondent police, after notice in the Habeas Corpus Petition had started the investigation and found that the minor girl had eloped with one Vellaisamy, native of Karaikudi, aged about 24 years and she was secured by the respondent police on



22.11.2021 from the custody of the Vellaisamy. The girl missing complaint has been altered to offence under Section 363 IPC and 5 (1) r/w 6 of POCSO Act and the boy Vellaisamy been remanded to judicial custody. The rescued minor girl has been given to the custody of the petitioner/mother after recording her 164 Cr.P.C. Statement and subjecting her to medical examination.

3.The petitioner/mother and the minor girl present today. This Court enquired the minor girl and she says that she got acquaintance with the said Vellaisamy through instagram and due to his compulsion and threat, she was forced to go with him.

4.Since the minor girl has been secured and the police has taken action against the person, who has kidnapped her, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS III)

// 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,
Dindigul District,
Dindigul.

2.The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.

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

**H.C.P. (MD) No.1716 of 2021
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