



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM:

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

H.C.P. (MD) No.1849 of 2021

R.Subramanian ... Petitioner / Father of detainee
Vs.

1.State Rep.by
The Superintendent of Police,
Tiruchirappalli District.

2.The Inspector of Police,
Thottiyam Police Station,
Tiruchirappalli District.

3.The Sub Inspector of Police,
Kattuputhur Police Station,
Thottiyam Taluk,
Tiruchirappalli District.

4.Ranjitkumar. ... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India, directing the respondents 1 to 3 to produce the person or body of petitioner's minor child namely Swetha, D/o.Subramanian, aged 17 years, before this Court and hand over the custody to the petitioner.

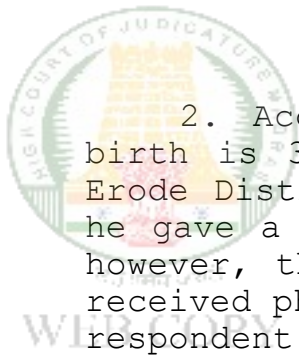
For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

[Order of the Court was made by DR.G.JAYACHANDRAN,J.]

Father of the minor girl is before this Court, seeking Writ of Habeas Corpus, for production of his minor daughter, aged 17 years.



2. According to the petitioner, his minor daughter, date of birth is 30.08.2004, studying 1st Year D.Pharmacy at Perunthurai, Erode District, went missing from 30.11.2021 onwards and therefore, he gave a complaint before the 3rd respondent Police on 30.11.2021, however, the same was registered only on 02.12.2021. Meanwhile, he received photos from her daughter saying that she has married the 4th respondent herein.

3. The 3rd respondent Police has secured the girl from Chittode, Erode District and produced her before this Court today. When we enquired the minor girl, she says that she, on her own wish, married the 4th respondent with whom she is in love from school days and when the police came in search of her, she voluntarily appeared before this Court. From the statement made by the minor girl, it appears that the 4th respondent has tied "Thali" to her and taken photographs and he asked the minor girl to forward the same to her parents, from his Cellphone.

4. The petitioner, who present before this Court, states that the 4th respondent and his father are influential persons and they are threatening him over phone to withdraw the case or else, they will be done away.

5. From the facts available and on enquiring the girl as well as the petitioner, this Court is of the view that the 4th respondent herein has committed the offence under POCSO Act. Hence, the respondent Police is directed to alter the charge accordingly and proceed with the investigation in Crime No.364 of 2021.

6. The minor girl shall be sent to Home viz., "The Chairman, Child Welfare Committee, 1st Floor, Mc.Donald Road, Kalaiyarangam Complex, Cantonment, Tiruchirappalli - 620 001, for further proceedings.

7. With the above direction, this Habeas Corpus Petition is closed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

21/12/2021

Sub Assistant Registrar(CS)

MPK



To

- 1.The Superintendent of Police,
Tiruchirappalli District.
- 2.The Inspector of Police,
Thottiyam Police Station,
Tiruchirappalli District.
- 3.The Sub Inspector of Police,
Kattuputhur Police Station,
Thottiyam Taluk,
Tiruchirappalli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Chairman,
Child Welfare Committee, 1st Floor,
Mc.Donald Road, Kalaiyarangam Complex, Cantonment,
Tiruchirappalli - 620 001

H.C.P. (MD) No.1849 of 2021
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MGJ(21.12.2021) 3P 6C