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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.360 of 2022

Nithya

.. Petitioner

Vs.

1.The Superintendent of Police,
Thiruvannamalai District.

2.The Inspector of Police,
Thandrampet Police Station,
Thiruvannamalai District.
(Crime No.37 of 2022)

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in Crime No.37 of 2022 dated 18.02.2022 on the file of the 2nd respondent and direct the respondents herein to produce the petitioner's daughter Aswini, aged about 17 years, by person or body and hand over to the petitioner.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to call for the records in Crime No.37 of 2022 dated 18.02.2022 on the file of the 2nd respondent and direct the respondents herein to produce the petitioner's daughter Aswini, aged about 17 years, by person or body and hand over to the petitioner.

2. On 07.03.2022, this Court passed the following order:

"It is the case of the petitioner that her daughter Aswini, aged about 17 years, went missing from 16.02.2022 and that the police are not taking effective steps to secure her.



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2. Today K.Mohan (Mobile No.9442670105), Special Sub-Inspector of Police, Thandrampet Police Station, Thiruvannamalai District, is present.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Thandrampet Police Station Crime No.37 of 2022 was registered on 18.02.2022 for 'girl missing' and during the course of investigation, it came to light that the detainee Aswini was in love with one Krishnan @ Kannan, aged about 30 years, who is already a married man and has eloped with him.

4. In such view of the matter, this Court issues a direction to the Deputy Superintendent of Police, Rural Sub-Division, Thiruvannamalai District, to supervise the investigation in Thandrampet Police Station Crime No.37 of 2022 and keep the petitioner informed of the developments, if any. As and when the detainee Aswini, aged about 17 years, is secured, she shall be produced before the Judicial Magistrate Court, Thandrampet, Thiruvannamalai District, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Post the matter on 07.04.2022."

3. Today, Viswanathan (Mobile No.94981 51412), Special Sub-Inspector of Police, Thandrampet Police Station, Thiruvannamalai District, is present.

4. The learned counsel for the petitioner and the learned Additional Public Prosecutor submitted that the detainee Aswini was secured by the police on 22.03.2022 and was produced before the Judicial Magistrate Court, Thandrampet, Thiruvannamalai District; during enquiry, she refused to go with her parents and therefore, she was produced before the Child Welfare Committee (CWC) and on the orders of the CWC, at present she is lodged in the Government Reception Home, Thiruvannamalai. He further submitted that Krishnan @ Kannan, who had eloped with Aswini has been arrested and remanded in judicial custody.



In such view of the matter, nothing survives in this petition and accordingly, this habeas corpus petition stands closed.

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Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

nsd

To

- 1.The Superintendent of Police,
Thiruvannamalai District.
- 2.The Inspector of Police,
Thandrampet Police Station,
Thiruvannamalai District.
- 3.The Public Prosecutor,
High Court, Madras.

Copy To

1. The Judicial Magistrate,
Thiruvannamalai.
2. The Government Reception Home,
Thiruvannamalai

H.C.P.No.360 of 2022

MT (CO)
ASK(21/04/2022)