

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2022

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.NO.502 OF 2022

Thayanithi

...Petitioner

-vs-

1. The Superintendent of Police,
Mayiladuthurai District,
Mayiladuthurai.
2. The Inspector of Police,
All Women Police Station,
Sirkazhi, Mayiladuthurai District.
3. Kishore Kumar

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents herein to produce the person and body of the petitioner's daughter minor T.Reniya, 16 years, who is in illegal custody of the 3rd respondent herein before this Court and hand over to the petitioner.

For Petitioner : Mr.K.Govi Ganesan
For R1 & R2 : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

The petitioner, who is the father of detainee, viz., T.Reniya, 16 years, seeks a direction to the Respondents 1 & 2 to produce her daughter, who is in illegal custody of the 3rd respondent herein, before this Court and hand over her to the petitioner.

2. When the matter is taken up for hearing, learned Additional Public Prosecutor has submitted that on the basis of the complaint lodged by the petitioner, a case in Crime No.4 of

2022 has been registered initially for the offence under Section 366 IPC and subsequently, it has been altered under the relevant provisions of POCSO Act and Section 9 of Child Marriage Act. He has further submitted that the girl has been secured and since she has expressed her unwillingness to go with the parents, her custody has been entrusted with one Annai Sathya Child Home, Nagapattinam.

3. In view of the above submission, we are of the view that no further adjudication is required in this petition. Hence, this Habeas Corpus Petition is closed. We direct the Respondents 1 and 2 to bring the issue to a logical conclusion at the earliest point of time, as the welfare of the minor Child is of paramount importance. No costs.

s/d-

Assistant Registrar(CS IV)

True Cop

Sub-Assistant Registrar

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To:

1. The Superintendent of Police,
Mayiladuthurai District,
Mayiladuthurai.
2. The Inspector of Police,
All Women Police Station,
Sirkazhi, Mayiladuthurai District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Goviganesan, Advocate, Sr.No.42176

H.C.P.No.502 of 2022

GJ(CO)
KKV/29/07/2022