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H.C.P.No.925 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.No.925 f 2022

Vijayakumar

.. Petitioner

Vs.

1.The Superintendent of Police,
Erode District.

2.The Inspector of Police,
Sathyamangalam Police Station,
Erode District.

3. The Inspector of Police,
Takkolam Police Station,
Vellore District.

4.Prem Vijay

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the 2nd and 3rd respondent to produce petitioner's daughter Yazhini aged about 16years from the illegal custody of the 4th respondent and hand over to the petitioner.

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For Petitioner : Mr.M.R.Thangavel
For respondents : Mr.M.Babumuthumeeran,
Addl. Public Prosecutor

ORDER

**S. VAIDYANATHAN, J.
AND
A.D. JAGADISH CHANDIRA, J.**

This petition has been filed by the father of the victim girl/detenuue directing the respondents to produce her from the illegal custody of the 4th respondent.

2. It is the case of the petitioner that her daughter/xxx was studying 12th standard in Government Girls Higher Secondary School, Sathyamangalam was found missing on 25.03.2022 at 4.00am and based on the complaint given by the petitioner a case in Cr.No.209 of 2022 was registered by the second respondent under the caption "Girl Missing". However, the victim girl was secured on the next day. Once again she was found missing on 13.05.2022, the petitioner had given another complaint



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dated 13.05.2022 to the second respondent and other case in Cr.No.316 of 2022 was registered under the caption "Girl missing". Later it was found that the 4th respondent kidnapped the petitioner's minor daughter and keeping her in his custody. The petitioner had made a complaint before the Superintendent of Police/1st respondent herein on 21.05.2022 seeking appropriate action on the petitioner's complaint. Since, he did not yield any result, the petitioner had approached this Court seeking for the relief stated supra.

3. When the matter is taken up today, the learned Additional Public Prosecutor would submit that earlier the petitioner's daughter was found missing on 25.03.2022 and on the complaint given by the petitioner a case in Cr.No.209 of 2022 was registered by the 2nd respondent. The girl was secured on the next day and since the petitioner and his wife did not insist for proceeding further, no further action was taken. Whiles, the petitioner's minor daughter had once again eloped with 4th respondent on 13.05.2022, based on the complaint given by the petitioner a case in Cr.No.316 of 2022 was registered by the second respondent under the caption "Girl Missing".



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During the course of investigation, the girl was secured on 07.06.2022 at Tiruvallur. It was found that the mother of the 4th respondent had produced the victim girl before the Child Welfare Committee, Children Home at Tiruvallur and on the information by the Warden of the Children Home, the second respondent had gone to Tiruvallur and secured the girl and she was kept in R.N.Puthur Home and thereafter, medial examination on the victim has been conducted and case in original Cr.No.209 of 2022 has been altered to one under Section 366A IPC, Section 5(1) and 6 of the POCSO Act and Section 9 and 10 of the Child Marriage Act. He would further submit that the first respondent has taken departmental action against the second respondent/earlier I.O in the second respondent Police Station for dereliction of duty and thereafter the case has been handed over the present I.O. The investigation is going on and the respondent police is taking serious steps to secure the custody of the 4th respondent and the other accused involved in this case. The co-accused/Kanagavel who has abetted the 4th respondent had been arrested and remanded to judicial custody. The 4th respondent is still absconding and the second respondent is taking steps to secure the 4th respondent.



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4. Further, he would submit that the victim girl was kept in R.N.Puthur child home, Erode and she is produced before this Court through video conference, the victim/detenuue has expressed her willingness to go along with her parents who are also present in the Office of the Public Prosecutor.

5. In view of the above, the custody of the minor victim girl is handed over the petitioner.

6. This Court also find that in the matter concerning minor children, investigation has not been conducted by the second respondent in a proper manner. Now, it is reported by the learned Additional Public Prosecutor that the earlier I.O has been charged for dereliction of duty. At this juncture, this Court directs the Deputy Superintendent of Police, Sathyamangalam to supervise the investigation in Cr.No.209 of 2022.



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7. With the above observation, the habeas corpus petition is disposed
of.

(S.V.N., J.) (A.D.J.C., J.)
06.07.2022

tsh

To

1. The Superintendent of Police,
Erode District.

2. The Inspector of Police,
Sathyamangalam Police Station,
Erode District.

3. The Inspector of Police,
Takkolam Police Station,
Vellore District.

4. The Public Prosecutor,
High Court, Madras.

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