



WEB COPY



HCP No.1155 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

Coram:

The Honourable Mr. Justice **S.VAIDYANATHAN**

and

The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P.No.1155 of 2022

J.Valarmathi

.. Petitioner

Vs.

1. The Inspector of Police,
S-1, Buwanagiri Police Station.
2. The Superintendent of Police,
Cuddalore District.

3. Vasanth

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the first respondent to produce the petitioner's daughter minor child Ms.Sowmiya, aged 17 years, D/o. Late Jayasankar before this Court from the illegal custody of the third respondent and hand over custody to the petitioner.

For Petitioner : Mr. G.Gajendran

For Respondents : Mr. M.Babu Muthumeeran
1&2 Additional Public Prosecutor

ORDER



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(Hearing was made through Hybrid mode)

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

This petition has been filed for production of petitioner's minor child / alleged detainee Sowmiya, aged 17 years, from the illegal custody of the third respondent.

2. It is the case of the petitioner that her husband had died eight years ago and that she is having two daughters. It is her further case that the third respondent herein had developed love with her elder daughter one Sowmiya, aged 17 years, and that the petitioner had warned the third respondent. It is the further case of the petitioner that on 18.04.2022, she found her daughter missing and had lodged a complaint before the respondent police and the same was registered on 19.04.2022 in Cr. No.372/2022 for the offence under Section 366(A) IPC. It is the contention of the petitioner that after registration of the complaint, no action has been taken by the respondent police to secure his daughter. Hence, the present Habeas Corpus Petition is filed by the petitioner.



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3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor would submit that the alleged detainee has been secured and that she is now interested in going with her mother. He further submitted that originally the case in Cr. No.372/2022 was registered for the offence under Section 366A IPC and now it has been altered to Section 366 A, 344 IPC and Section 5(1), 6, 17 of POCSO Act and Section 9 of Child Marriage Act.

4. In view of the fact that the alleged detainee minor Sowmiya, aged 17 years, D/o. Late Jayasankar, has been secured and that she had expressed her willingness to go along with the petitioner, this Habeas Corpus Petition is allowed.

(S.V.N.,J.) (A.D.J.C.,J.)
07.07.2022

Index: Yes/No
bkn
To

1. The Inspector of Police,
S-1, Buvanagiri Police Station.
2. The Superintendent of Police,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.



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