



HCP No. 1093 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2022

Coram

The Hon'ble Mr. Justice **S.VAIDYANATHAN**
and

The Hon'ble Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P. No. 1093 of 2022

S.Nirmala

.. Petitioner

Vs.

1.The Superintendent of Police,
Tirupattur District.

2.The Inspector of Police,
Tirupattur Town Police Station,
Tirupattur District.

3.Rajesh

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents 1 to 2 to produce the person and body of the petitioner's Daughter Poornima D/o Shanmugam aged about 17 years before this Honble Court and hand over the custody to the petitioner.



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For Petitioner : No appearance
For R1 & R2 : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor

ORDER

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

This petition has been filed by the mother seeking production of her daughter Poornima, aged about 17 years before this Court.

2. The case of the petitioner is that her daughter Poornima was studying 11th standard at Sri Meenakshi Government Girls School and on 31.05.2022 at about 08.00 a.m., the petitioner's daughter went to the school and never returned back home. It is stated that after the petitioner had come to know that the third respondent had kidnapped her daughter by giving false promise that he will marry her, she had given a complaint to the second respondent on 31.05.2002 and the same was registered in Cr. No.110 of 2022 under the caption “Girl missing” and the same is pending investigation. Since the second respondent failed to take action, the petitioner has filed the present



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Habeas Corpus Petition.

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4. When the matter came for hearing on 15.07.2022, on finding that no proper investigation is conducted in this case, this Court directed Superintendent of Police, Thirupattur District / first respondent before this Court. Thereafter, on appearance of the Deputy Superintendent of Police, Tirupattur on 26.07.2022, the issue was explained to the first respondent who appeared through Video Conferencing and the second respondent / Inspector of Police, Tirupattur Town Police Station, Tirupattur, expressed that she will take immediate steps as expeditiously as possible. Thereafter, this Court, by its order dated 26.07.2022 directed the first respondent to file a status report with regard to action taken in this matter.

5. Pursuant to the direction of this Court by order dated 26.07.2022, a status report dated 02.08.2022 has been filed by the first respondent. The relevant portions of the said status report are as follows:



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“ ... 13. I further submitted that based on the order passed by the Hon'ble High Court, dated 15.07.2022, the Deputy Superintendent of Police, Tirupattur was appeared before this Court. Then this Hon'ble Court passed an order, that the Superintendent of Police should appear before this Hon'ble Court on next hearing (i.e) 26.07.2022. Thereafter on 26.06.2022, the 1st respondent / The Superintendent of Police, Tirupattur District has appeared before this Court through Video Conference and I have explained the status of cases and also action taken on the second respondent and also I have taken sincere steps to complete the investigation expressly. Thus Hon'ble High Court direct me to file a status report on 02.08.2022. I further stated that I have given necessary direction to the Inspector of police to give top priority in the pending POCSO cases and file final report before the concern court and also direct them to produce the witness before the trial Court in pending cases in top priority without any delay.

14. I submit that on 22.07.2022, the second respondent have produced the detenu before the learned Judicial Magistrate Court for recorded the 164 Cr.P.C. statement.

15. I submit that on 22.07.2022, I issued a 3(a) Charge Memo vide No.A3/8672/T.P.No.27/2022, dated 22.07.2022 to the second respondent. I am awaiting for the reply from the second respondent.

16. I submit that I have taken sincere and effective steps to complete the investigation. After receiving the Medical report of both accused and detenu, then I complete the investigation and filed a Charge Sheet before the trial Court in accordance with law.”



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6. In view of the status report dated 02.08.2022, filed by the first respondent, we are of the view that no further adjudication is required in this petition and hence, the Habeas Corpus Petition stands closed.

(S.V.N.,J.) (A.D.J.C.,J.)
02.08.2022

Index: Yes/No

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To:

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

S.VAIDYANATHAN, J.,



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and
A.D.JAGADISH CHANDIRA, J.,

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