

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

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

H.C.P.NO.1180 OF 2022

Akilesh

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Coimbatore District.
- 2.The Inspector of Police,
Annur Police Station,
Coimbatore District.
- 3.The Superintendent,
Government Protective Home,
Sathi Road, Ganapathi,
Coimbatore 641 027.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the first and second respondents to secure and produce the petitioner's friend Oviya D/o.Ranganathan, aged about 18 years, from the illegal custody of the third respondent and set her at liberty.

For Petitioner : Mr.C.Mageshkumar

For RR 1 and 2 : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed seeking a direction to the first and second respondents to secure and produce the petitioner's friend Oviya D/o.Ranganathan, aged about 18 years, from the illegal custody of the third respondent and set her at liberty.

2. The case of the petitioner is that the detainee and himself are in love affair and on coming to know about the same, the respondents have kept the girl/detainee in illegal custody resulting in their elopement and filing of a case at the instance of the father of the girl in Crime No.242 of 2022 on the file of the second respondent and the consequent arrest of the petitioner and his coming out on bail by order dated 7.6.2022 in CrI.M.P.No.441 of 2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO ACT, Coimbatore. It is the further case of the petitioner that the petitioner, having born on 1.4.2004, has become major, however, she has been kept in illegal custody in the third respondent-Home and therefore, he has come up with the present Habeas Corpus Petition seeking her liberty.

3. When the matter came up during the vacation court, notice been ordered and it was directed to find out the maintainability.

4. Today, Ms.M.Nithya, (Mobile No.94981 69024), Inspector of Police, Annur Police Station is present before this Court and produced the detainee Oviya. The petitioner Akilesh, his parents and the parents of Oviya are also present with their counsel.

5. Mr.Babu Muthu Meeran, learned Additional Public Prosecutor submitted that the petitioner, who claims to be the lover of the detainee is the accused in Crime No.242 of 2022 for the offences punishable under Sections 366(A) IPC and Sections 5 (1) and 6 of POCSO Act, 2012 and the case is pending investigation and he has no locus standi to file the Habeas Corpus Petition and therefore, the petition filed by him is not maintainable.

6. When enquired, the girl has submitted that originally, she was kept in the third respondent-Home and after attaining majority, she is now released from the Home and now, she is not in illegal detention of anybody, however, she expresses that she does not want to go with her parents.

7. Having heard the parties and the learned counsel and perused the materials available on record, we find that the girl was missing from 17.3.2022 and when the girl, on being secured on 26.3.2022, had refused to go with her parents and hence, she, having born on 1.4.2004, being a minor when she was secured, was kept in the third respondent-Home. The petitioner, after being in judicial custody for 70 days, has come out on bail and has filed the present petition.

8. Admittedly, when the girl went with the boy, she was a minor. On the complaint of the father of the girl and on the basis of the statement of the girl, the petitioner was remanded to judicial custody. Now, the detinue has attained majority and on enquiry, she expresses that she does not want to go with her parents.

9. Recording the same, we close the Habeas Corpus Petition.

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

ssk.

To

- 1.The Superintendent of Police,
Coimbatore District.
- 2.The Inspector of Police,
Annur Police Station,
Coimbatore District.
- 3.The Superintendent,
Government Protective Home,
Sathi Road, Ganapathi,
Coimbatore 641 027.
- 4.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

H.C.P.No.1180 of 2022

SVI(CO)
RVM(22/07/2022)