



WEB COPY



HCP No. 1228 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2022

Coram

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

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

H.C.P. No. 1228 of 2022

Devakirupai

.. Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Erode – Post & District.

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Gobichettipalayam Post,
Erode – District.

3. The Inspector of Police,
Nambiyur Police Station,
Nambiyur – Post,
Erode – District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to
issue a writ of Habeas Corpus directing the respondents to secure and



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produce the petitioner's minor daughter namely Ms.Jeya, aged 17 years, daughter of Devakirupai before this Honble Court and hand over to the petitioner.

For Petitioner : Mr.D.Veerasekaran
For Respondents : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the father seeking production his minor daughter Jeya, aged 17 years, before this Court.

2. The case of the petitioner is that subsequent to the death of his first wife on 04.11.2014, he had married one Jothi and a female child, the alleged detainee, was born on 08.05.2005. On 23.05.2022, the petitioner and his wife left the alleged detainee at home and went away. When they returned home, the alleged detainee was found missing and hence the petitioner had given a complaint to the second respondent police in respect of which a case in Cr. No.133 of 2022 under the caption “Girl missing”. Since no action was taken



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by the respondent police, the petitioner has filed the present petition.

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3. When the matter is taken up today, the learned Additional Public Prosecutor appearing for the respondent police would submit that based on the complaint given by the petitioner, a case in Cr. No.133 of 2022 was registered under the caption “Girl missing”. He would further submit that during the course of investigation, it came to light that the victim girl was kidnapped and married by Bharathiraja who is a married man. He would submit that based on the information, the case was altered to Section 366 IPC, and Section 5 (i) and 6 of POCSO Act and Section 9 of the Child Marriage Restraint Act. Thereafter, the alleged detainee, Jeya, daughter of the petitioner was secured on 31.07.2022 the accused was arrested and remanded to judicial custody. He would submit that the alleged detainee had been subjected to medical examination and her statements were also recorded. Since the detainee refused to go along with her father, the petitioner herein, she was kept in a 'Home'. Subsequently, the detainee, Jeya, daughter of the petitioner had expressed her willingness to go along with her father and thereby, the custody of the detainee has been handed over to the petitioner.



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4. Mr.D.Veerasekaran, the learned counsel for the petitioner would submit that the detainee Jeya, aged 17 years, daughter of the petitioner has been produced to the petitioner and nothing survives for further adjudication in this case.

5. Recording the above submissions the Habeas Corpus Petition stands closed.

(S.V.N.,J.) (A.D.J.C.,J.)
03.08.2022

Index: Yes/No
bkn

To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Erode – Post & District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Gobichettipalayam Post,
Erode – District.



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3. The Inspector of Police,
Nambiyur Police Station,
Nambiyur – Post,
Erode – District.

4. The Public Prosecutor,
High Court, Madras.



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