



WEB COPY



HCP No. 1365 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. 1365 of 2022

Elangovan

.. Petitioner

Vs.

1.The Superintendent of Police,
Erode District.

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

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondent herein to secure the detainee who is the daughter of the petitioner namely Minor Sarjana aged about 17 years and produce her before this Hon'ble Court hand over her custody to the petitioner.



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For Petitioner : Mr.R.Nalliyappan

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 father seeking production of his minor daughter namely Sarjana, aged about 17 years, before this Court.

2. It is the case of the petitioner that his daughter Sarjana, aged 17 years, born on 22.08.2005, was found missing from her house on 07.06.2022. On a complaint given by the petitioner to the respondent police, a case in Cr. No.162 of 2020 was registered under the caption “Girl Missing”. Since no further action has been taken by the respondent police, the present Habeas Corpus Petition is filed.



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3. When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that based on the complaint given by the petitioner, the case in Cr. No.162 of 2022 was registered by the second respondent police under the caption “Girl missing”. He would further submit that during the course of investigation, it was found that one Prakash had induced the minor girl / petitioner's daughter and had kidnapped her and the alleged detainee had been secured at Tiruchengode. During the course of investigation, it was found that the accused Prakash had subjected the detainee to sexual assault and thereby he was arrested and the case was altered to one under Section 366 IPC, 9 of POCM Act & 5(1) r/w. 6 of POCSO Act. He would submit the accused had been remanded to judicial custody and the alleged detainee has also been subjected to medical examination. Since the alleged detainee had expressed her willingness to go along with her father, the petitioner herein, the alleged detainee has been handed over to the petitioner.

4. The learned counsel for the petitioner submitted that the daughter of the petitioner has been handed over to the petitioner and in view of the



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same, nothing survives for further adjudication in this case.

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5. In view of 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,
Erode District.
- 2.The Inspector of Police,
Ammamet Police Station,
Erode District.
- 3.The Public Prosecutor,
High Court, Madras.



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

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