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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.NO.2364 OF 2020

A.Vijayakumar
S/o.Ariyagounder

.. Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2. The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent police to produce the petitioners minor daughter V.Sandhiya, who is aged about 15 years before this Court and handover to the petitioner.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J]

This petition has been filed seeking a direction to the second respondent police to produce the petitioner's minor daughter V.Sandhiya, who is aged about 15 years before this Court and handover to the petitioner.



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2. On 22.02.2021, we passed the following order:

"It is the case of the petitioner that his daughter Sandhiya, aged about 15 years, went missing since 06.10.2020 and that the police are not taking effective steps to secure her.

2. Today, Mr.K.Madheswaran (Mobile No.94981 69531), Special Sub-Inspector of Police, B-1 Dharmapuri Police Station, Dharmapuri, is present.

3. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Dharmapuri Police Station Crime No.2212 of 2020 was registered on 06.10.2020 for 'girl missing' and subsequently, altered to one Section 366-A IPC on 01.12.2020. He further submitted that the investigation so far revealed that Sadhiya was in love with one Narasimha and has eloped with him.

4. In view of the above, this Court directs the Deputy Superintendent of Police, Dharmapuri Sub-Division, to monitor the investigation in Dharmapuri Police Station Crime No.2212 of 2020 and keep the petitioner informed of the developments, if any. As and when Sandhiya (detenue) is secured, she may be produced before the Judicial Magistrate No.I, Dharmapuri, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody of the detenue.

Post the matter on 23.03.2021."

3. On 17.09.2021, we passed the following order:

"Today, Mr.G.Annadurai, Deputy Superintendent of Police, Dharmapuri Sub-Division, Dharmapuri District, having mobile number 99409 91160 and Mr.A.Saravanan, Inspector of Police, B-1 Dharmapuri Police Station, having mobile number 94980 96677, are present before this Court.

2. Mr.A.Saravanan, Inspector of Police, has filed a detailed status report dated 17.09.2021, wherein, he has categorically narrated the steps that were taken by the Tamil Nadu police to secure the petitioner's daughter, who is said to have eloped with one Narasimman.



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3. It appears that the said Narasimman is a habitual offender and involves himself in stealing mobile phones. In this connection, a case against him was registered by the Andhra Pradesh police in Tirupathi S.V.University crime No.245/2020 under Section 379 IPC and was arrested by the Andhra Pradesh police. However, before the Tamil Nadu police could reach him, the case against him was compounded and he was released from the prison.

4. It appears that the police have formed special teams to track the said Narasimman to secure the daughter of the petitioner. Mr.G.Annadurai, Deputy Superintendent of Police, also reported to us that the petitioner has been accompanying the police and that the petitioner knows the earnest steps that are being taken by the police to secure his daughter.

5. We are convinced that the Tamil Nadu police are taking effective steps to secure the petitioner's daughter.

6. Post this matter on 22.10.2021.

In the meanwhile, if the detinue is secured, she shall be produced before the learned Judicial Magistrate No.I, Dharmapuri, under intimation to the petitioner and on such production, the learned Magistrate shall pass appropriate orders, with regard to the custody of the detinue."

4. Today, when the matter was taken up for hearing, learned counsel for the petitioner and learned Additional Public Prosecutor submitted that Sandhiya [the alleged detinue] was secured by the police on 13.01.2022 and after producing her before the learned Judicial Magistrate I, Dharmapuri, she was handed over to her parents. The person with whom Sandhiya has eloped was arrested and remanded to judicial custody.

5. We place on record our appreciation to the Deputy Superintendent of Police, Dharmapuri Sub-Division as well the Inspector of Police, B-1 Dharmapuri Police Station, for taking effective steps to secure the victim and the accused after prolonged visits to various States.



Accordingly, this Habeas Corpus Petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.
4. The Deputy Superintendent of Police,
Dharmapuri Sub Division.

H.C.P.No.2364 of 2020

RSV(CO)
PM/19/05/2022