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H.C.P.No.2192 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.2192 of 2022

Jeeva

.. Petitioner

Vs.

1.The Superintendent of Police
O/o.The Superintendent of Police
Coimbatore

2.The State rep. by
The Inspector of Police
Perur Police Station
Coimbatore District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS and direct the respondents to produce the petitioner's minor daughter *viz.*, Sureka, D/o.Sivakumar, aged 16 years, bodily or in person before this Hon'ble Court and hand over her to the petitioner.



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For Petitioner : Mr.M.Mariappan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

It is the case of the petitioner that her daughter *viz.*, Sureka, aged about 16 years, went missing on 02.09.2022; she is unable to trace her; despite lodging of a complaint, the police are not taking effective steps to secure her and hence, the present habeas corpus petition seeking a direction to the respondents to produce her before this Court and set her at liberty.

2. Today, Ms.R.Vasanthi, Special Sub-Inspector of Police, Perur Police Station, is present before this Court.

3. On instructions, the learned Additional Public Prosecutor submitted that the petitioner was a resident of Melchengam, Tiruvannamalai District; while the petitioner was there, her daughter Sureka went missing on 25.11.2021, in connection with which, on a complaint given by the petitioner, a case in Melchengam P.S. Crime No.473 of 2021 was registered



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on 25.11.2021 under Section 366-A IPC against one Rasu, S/o.Gajendran; the Melchengam Police secured Sureka on 18.04.2022, handed her over to the petitioner and altered the Section in the FIR, by including provisions under the POCSO Act and arrested Rasu and sent him for remand; on account of these events, the petitioner shifted her family from Melchengam to Coimbatore District within the jurisdiction of Perur Police Station; while so, Rasu was released on bail in Crime No.473 of 2021; again Sureka went missing on 02.09.2022, in connection with which, on a complaint by the petitioner, a case in Perur P.S. Crime No.252 of 2022 has been registered on 23.09.2022 for “girl-missing” and during the course of investigation, it has come to light that Sureka had eloped with Rasu and they are on run and further investigation is in progress.

4. In such view of the matter, it cannot be stated that Sureka is in the illegal custody of anyone for issuance of a writ of habeas corpus. Therefore, we direct the Deputy Superintendent of Police, Perur Sub-Division to supervise the investigation in Perur P.S. Crime No.252 of 2022 and ensure that the investigation is completed expeditiously and keep the petitioner



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informed of the developments, if any. As and when the detenue *viz.*, Sureka is secured, she shall be produced before the Judicial Magistrate No.I, Coimbatore under due intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody of the detenue. The Perur police may investigate the matter in co-operation with Melchengam P.S. Crime No.473 of 2021.

With the above directions, this habeas corpus petition stands closed.

[P.N.P., J.] [T K R, J.]

04.11.2022

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- 1.The Judicial Magistrate No.I
Coimbatore
- 2.The Superintendent of Police
O/o.The Superintendent of Police
Coimbatore
- 3.The Deputy Superintendent of Police
Perur Sub-Division, Coimbatore
- 4.The Inspector of Police
Perur Police Station
Coimbatore District
- 5.The Public Prosecutor
High Court, Madras



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P.N.PRAKASH, J.
AND
RMT.TEEKAA RAMAN, J.

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