



H.C.P.(MD)No.648 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.(MD)No.648 of 2022

Jeyarani Viji

.. Petitioner/Mother of the
Detenu

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
South Gate Police Station,
Madurai City.

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the detenu, the petitioner's minor daughter, namely, Jegadeeswari, aged about 16 years, daughter of Mariselvam, either in person or body, before this Court and thereupon handover the custody to the petitioner.



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For Petitioner : Mr.J.Vishnu
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

It is the case of the petitioner that her daughter, Jegadeeswari, aged about 16 years, went missing from 12.04.2022 and that the police are not taking effective steps to secure her, the petitioner has filed the present Habeas Corpus Petition with the above prayer.

2. Heard Mr.J.Vishnu, learned Counsel appearing for the petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents.

3. On instructions, the learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, a case, in Madurai City South Gate Police Station, in Crime No. 130/2022 has been registered on 12.04.2022 for 'girl missing' and during the course of investigation, it came to light that



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Jegadeeswari eloped with one Murugan and therefore, the police have altered the case from 'girl missing' to Section 366 (A) r/w 109 IPC and Section 17 of the POCSO Act. The learned Additional Public Prosecutor further submitted that, during the course of investigation, it came to light that one Selvarani appears to have helped Jegadeeswari to elope with Murugan and therefore, the said Selvarani was arrested and remanded to judicial custody.

4. In such view of the matter, it cannot be stated that Jegadeeswari is in the illegal custody of the respondents. However, we direct the Assistant Commissioner of Police, Madurai South Gate Town Police Station, to supervise the investigation that is being conducted by the Inspector of Police, Madurai South Gate Police Station in Crime No.130 of 2022 and keep the petitioner informed of the developments, if any. As and when the detenu Jegadeeswari, aged about 16 years, is secured, she shall be produced before the Special Court for the exclusive trial of POCSO Act cases where FIR in Crime No.130 of 2022 is pending, under intimation to the petitioner. On such production, the learned Special Judge shall pass appropriate orders with regard to the custody in accordance with law.



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5. Accordingly, this Habeas Corpus Petition is closed.

[P.N.P.,J.] & [R.H.,J.]

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Index : Yes/No

Internet : Yes/No

PJL

To

1. The Sessions Judge,
Special Court for the exclusive trial of POCSO Act cases,
Madurai.

2. The Commissioner of Police,
Madurai City, Madurai.

3. The Assistant Commissioner of Police,
Madurai South Gate Town Police Station,
Madurai.

4. The Inspector of Police,
South Gate Police Station,
Madurai City.



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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.N.PRAKASH, J.
and
R.HEMALATHA, J.

PJL

ORDER MADE IN
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17.06.2022