



H.C.P.(MD)No.1199 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.(MD)No.1199 of 2022

Ponpandi

: Petitioner

Vs.

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

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

3.The Inspector of Police,
Thirunagar Police Station,
Madurai City,
Madurai.

: Respondents



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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 body or person of the petitioner's daughter Muthuselvi, D/o.Ramachandran, aged about 16 years before this Court and hand over her custody to the petitioner, within a time stipulated by this Court.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor

O R D E R

[Made by **R.HEMALATHA, J.**]

It is the case of the petitioner that her daughter Muthuselvi, aged about 16 years went missing from 25.06.2022 and that the police are not taking effective steps to secure her. Hence, the petitioner has filed the present Habeas Corpus Petition with the above prayer.

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



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3.On instructions, learned Additional Public Prosecutor submitted that earlier the petitioner's daughter went missing in connection with which a case in All Women Police Station, Aruppukottai in Crime No.2 of 2022 was registered under Section 366 IPC and Section 5(1)(vi) of POCSO Act against one Surya. The police secured Muthuselvi and handed her over to the petitioner. Once again, Muthuselvi has gone missing, in connection with which on a complaint given by the petitioner a case in Thirunagar Police Station in Crime No.215 of 2022 for 'girl missing' has been registered and during the course of investigation, it came to light that Muthuselvi has now eloped with one Diwakar @ Karuppu.

4.In such view of the matter, it cannot be stated that Muthuselvi is in the illegal custody of the respondents herein, no Writ of Habeas Corpus can be issued. However, we direct the Assistant Commissioner of Police, Thirupparankundram Range, Madurai District to supervise the investigation that is being conducted by the Inspector of Police, Tirunagar Police Station in Crime No.215 of 2022 and keep the petitioner informed of the developments, if any. As and when the detenu Muthuselvi, aged about 16 years, is secured, she shall be produced before the



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learned Judicial Magistrate VI, Madurai, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody in accordance with law.

5.Accordingly, this Habeas Corpus Petition is closed.

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

22.07.2022

Index : Yes/No

Internet : Yes/No

MR



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To

1.The Judicial Magistrate VI,
Madurai.

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

3.The Assistant Commissioner of Police,
Thirupparankundram,
Madurai City,
Madurai.

4.The Inspector of Police,
Tirunagar Police Station,
Madurai City.
Madurai.

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



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

MR

ORDER MADE IN
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22.07.2022