



H.C.P.(MD) No.1419 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.(MD) No.1419 of 2022

Kumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Budalur Police Station,
Thanjavur District.

3.Sudhakar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Habeas Corpus to direct the respondents 1 and 2 to



H.C.P.(MD) No.1419 of 2022

produce the body of the petitioner's daughter by name Aarthi, D/o.Kumar, Female, aged about 16 years, before this Court and handover the custody to the petitioner.

For Petitioner : Mr.R.L.Dhilipan Pandian
For Respondents : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed seeking to direct the respondents to produce the petitioner's daughter, namely, Aarthi, aged about 16 years, before this Court and hand over the custody to the petitioner.

2. The case of the petitioner is that his daughter X, who is 16 years old, (D.O.B.-04.06.2006) went missing from 22.03.2022. In connection with which, on a complaint given by the petitioner, a case in Budalur Police Station Crime No.88 of 2022 was registered for "girl



H.C.P.(MD) No.1419 of 2022

missing" and during the course of investigation, it came to light that X was sexually abused by one Sudhakar (3rd respondent herein) and the Police altered the case in Budalur Police Station Crime No.88 of 2022 from one girl missing to Sections 366(A) IPC, 5(l), 5(m), 6 and 17 of POCSO Act, arrested the said Sudhakar (3rd respondent herein) and handed over X to her parents. Since X was found to be pregnant, her parents had medically terminated the pregnancy in accordance with law. After Sudhakar was released on bail in Budalur Police Station Crime No. 88 of 2022, he has once again taken away X. In this connection, on a complaint given by the petitioner, a fresh case in Budalur Police Station Crime No.241 of 2022 has been registered on 06.07.2022 for "girl missing". Under such circumstances, the petitioner has filed the present Habeas Corpus Petition with the above prayer, alleging that the police are not taking effective steps to secure her.

3. Heard, Mr.R.L.Dhilipan Pandian, learned counsel appearing for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondents.



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H.C.P.(MD) No.1419 of 2022

4. In the aforesaid facts and circumstances of the case, it cannot be stated that X is in the illegal custody of respondents 1 and 2, since a regular FIR in Budalur Police Station Crime No.241 of 2022 has been registered and investigation is in progress.

5. Hence, this habeas corpus petition is closed, with a direction to the Deputy Superintendent of Police, Thiruvaiaru Sub Division, to supervise the investigation in Budalur Police Station Crime No.241 of 2022 and keep the petitioner informed of the developments, if any. As and when the petitioner's daughter namely, X, aged about 16 years, is secured, she shall be produced before the Jurisdictional Special Court for POCSO Act cases, where the case in Crime No.88 of 2022 is pending. On such production, the learned Special Judge for POCSO Act cases, shall pass appropriate orders with regard to the custody of X, in accordance with law.

[P.N.P., J.] [R.H., J.]
01.09.2022

Index : Yes / No
Internet : Yes / No
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H.C.P.(MD) No.1419 of 2022

Copy to

1. The Deputy Superintendent of Police,
Thiruvaiary Sub Division.
2. The Special Judge for POCSO Act cases,
Special Courts in the cadre of District Judge
for exclusive trial of cases under POCSO Act, 2012,
Thanjavur.
(Crime Nos.88 and 241 of 2022)
3. The Superintendent of Police,
Thanjavur District,
Thanjavur.
4. The Inspector of Police,
Budalur Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P.(MD) No.1419 of 2022

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

rm

H.C.P.(MD) No.1419 of 2022

01.09.2022