



H.C.P.(MD) No.1428 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.1428 of 2022

R.Chithra

... Petitioner

Vs.

The Inspector of Police,

Melur Police Station,

Madurai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondent herein to produce the detenu/ petitioner's daughter namely, Madhumitha, D/o.Ramu, aged about 17 years, before this Court and hand over the custody to the petitioner.



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For Petitioner : Mr.M.Jegadeesh Pandian
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed seeking to direct the respondent to produce the petitioner's daughter namely, Madhumitha, aged about 17 years, before this Court and hand over the custody to the petitioner.

2. The case of the petitioner is that her daughter namely, Madhumitha, aged about 17 years (D.O.B.- 28.10.2005) went missing from 23.08.2022 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.



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3. Today, Mr.Jayagajendran, (Mobile No.83000 56050), Sub-Inspector of Police, Melur Police Station, Madurai District, is present before this Court. On instructions, Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner's daughter, namely, Madhumitha, was earlier sexually abused by two women Sakitha Begum and her twin sister Vahitha Banu. On coming to all these, on the complaint given by the petitioner, a case in All Women Police Station, Melur, Crime No.14 of 2022 was registered on 22.04.2022 for the offence under Sections 7, 8 of the POCSO Act and Sections 9 and 10 of the Prohibition of Child Marriage Act, against the said Sakitha Begum and Vahitha Banu and both of them were arrested and thereafter, released on bail. Now the police suspected that the petitioner's daughter must be in their custody and the investigation is in progress.

4. The learned Additional Public Prosecutor further submitted that in respect of the present case, on the complaint given by the petitioner, a case in Melur Police Station Crime No.495 of 2022 has been registered on 23.08.2022 for "girl missing" and based on the earlier case



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in All Women Police Station, Melur, Crime No.14 of 2022, the present case in Crime No.495 of 2022 has been altered from "girl missing" to 366(A) IPC.

5. In such view of the matter, we are of the opinion that, interest of justice would be served, if the case in Melur Police Station Crime No.495 of 2022 is transferred to All Women Police Station, Melur, so that it can be investigated along with Crime No.14 of 2022. Therefore, we direct the transfer of case in Melur Police Station Crime No.495 of 2022 to All Women Police Station Melur. The Inspector of Police, Melur Police Station is directed to obtain necessary orders from the Superintendent of Police, Madurai, immediately and transfer the case in Melur Police Station Crime No.495 of 2022 to All Women Police Station, Melur, within a period of one week from the date of receipt of a copy of this order.

6. We also direct the Deputy Superintendent of Police, Melur Sub Division, to supervise the investigation in both the cases in All



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Women Police Station, Melur, and keep the petitioner informed of the developments, if any. As and when the petitioner's daughter, namely, Madhumitha is secured, she shall be produced before the *Jurisdictional Special Judge / District Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Madurai District*, 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.

7. With the above directions, this habeas corpus petition stands disposed of.

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

Index : Yes / No
Internet : Yes / No
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Copy to

- 1.The District Judge,
Special Court for Exclusive Trial of Cases Under POCSO Act,
Madurai District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
3. The Deputy Superintendent of Police,
Melur Sub Division,
- 4.The Inspector of Police,
Melur Police Station,
Madurai District.
- 5.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.HEMALATHA, J.

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