



H.C.P.(MD) No.1680 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

H.C.P.(MD) No.1680 of 2022

T.Santhi

... Petitioner

-VS-

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

2.The Inspector of Police,
Town South Police Station,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, directing the respondents to produce the body or person of the detenue (daughter of petitioner) namely Priyadharshini, daughter of Thriuppathi, aged about 17 years old before this Court and handed over into petitioner's custody.



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For Petitioner : Mr.A.Chandrakumar
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

The minor daughter of the petitioner was found missing from 25.09.2022, hence, the complaint, to the second respondent police, was lodged by the mother to trace her daughter. Meanwhile, this habeas corpus petition is filed to produce the body, since the second respondent police has not acted upon the complaint.

2. Pursuant to the notice issued by this Court, the respondent police has intensified the search and found the minor daughter of the petitioner was in company with one Apsar with whom she has developed friendship through Instragram at Aanaimalai, Coimbatore. The police has secured the said Absar, who has kidnaped the minor girl and alleged to have committed the offence under POCSO Act. The girl as well as the boy been produced before this Court. The



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mother also present before this Court. We enquired the minor girl and she is not willing to go with her mother and she is willing to stay at Home.

3. Recording the same, this Habeas Corpus Petition is disposed of with the following direction:-

(I) The minor girl of the petitioner's daughter shall be sent to Annai Sathya Home, Madurai for care and custody.

(ii) The petitioner/mother is permitted to have the visitation right and make proper application, if she needs the custody of the girl, before this Court.

(iii) The second respondent police is directed to take necessary action against the boy, who has committed offence of kidnaping and other offence under POCSO Act.

(iv) Before producing the girl to the Home, the second respondent police is directed to conduct the medical examination to the minor girl.

[G.J.,J.] [S.M.,J.]
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Index : Yes / No
Internet : Yes / No
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Dindigul District,
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- 2.The Inspector of Police,
Town South Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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