



H.C.P.(MD)No.1838 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.11.2022

CORAM

**THE HON'BLE MR JUSTICE M.S. RAMESH
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

H.C.P.(MD)No.1838 of 2022

R.Malliga

... Petitioner / Mother of the Detenu

/Vs./

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

2.The Inspector of Police,
Sub-Urban Police Station,
Virudhunagar,
Virudhunagar District.

3.The Principal,
VVV College for Women,
N.G.O.Colony,
N.H.7, Madurai Road,
G.T.Nagar,
Virudhunagar – 626 001.

4.M.Dhineshkumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the person or body of detenu namely, (minor) Rashmi daughter of



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Ramadoss aged about 17 years before this Court and handover the custody to the petitioner.

For Petitioner : Mr.R.Manickam

For Respondents : Mr.A.Thiruvadi Kumar (R1 & R2)

Additional Public Prosecutor

ORDER

(Order of the Court was made by **N. ANAND VENKATESH, J.**)

The mother has filed this petition to secure her daughter, Rashmi, aged about 17 years and to produce her before this Court.

2. When the matter was taken up for hearing, the detenu was produced before this Court. She stated that her date of birth is 04.01.2005 and is aged about 17 years. She further stated that she developed love affair with the fourth respondent and went along with him and stayed at Palladam. Thereafter, the respondent police secured her and made her stay in a Home and from there, she has been produced before this Court. When we enquired the detenu, she stated that she is unwilling to go along with her parents and she stated that she prefers to stay in Home.



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3. We enquired the parents of the detenu and they stated that the detenu initially joined B.B.A. Course and thereafter, she joined B.A. (Tamil) and she was not regularly going to the College. In the meantime, she developed love affair with the fourth respondent, who is unemployed and is hardly 20 years.

4. The parents are not interested in the detenu having any relationship with the fourth respondent. However, they feel that the detenu girl is not within their control. Hence, they expressed their willingness to allow the detenu to stay at the Home, till she attains 18 years.

5. The learned Additional Public Prosecutor, on instructions, submitted that based on the complaint given by the petitioner, initially, a girl missing FIR was registered in Crime No.184 of 2022 and thereafter, an alteration report was filed by invoking the offences relating to the provisions of POCSO Act, 2012. The learned Additional Public Prosecutor further submitted that the fourth respondent was arrested in the course of investigation.



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6. In view of the above, we deem it fit to direct the second respondent to keep the detenu, Rashmi, at MMS Home, Virudhunagar, till she attains 18 years. It is made clear that the second respondent shall proceed further with the investigation and complete the investigation at the earliest.

7. This Habeas Corpus Petition is disposed of accordingly.

(M.S.R.,J.) (N.A.V.,J.)
14.11.2022

Index : Yes/No
Internet : Yes
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TO:

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Sub-Urban Police Station,
Virudhunagar,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.MMS Home, Virudhunagar.



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M.S. RAMESH, J.

and

N. ANAND VENKATESH, J.

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Order made in
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14.11.2022