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H.C.P.No.171 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

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THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.171 of 2023

Selvakumari

.. Petitioner

Vs.

1.The State rep. by
The Superintendent of Police,
O/o. Superintendent of Police,
Ranipet District.

2.The Inspector of Police,
Sipcot Police Station,
Ranipet District.

3.Perumal

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents herein to produce the body and person of the petitioner's minor daughter namely xxxx, aged about 17 years, before this Court and hand over to the petitioner.

For Petitioner

:

Mr.B.Ram Prabhu
for Mr.P.Balamurugan

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For R1 & R2

: Mr.R.Muniyapparaj,
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.NIRMAL KUMAR, J.,]

This order will now dispose of the captioned Habeas Corpus Petition [hereinafter 'HCP' for the sake of convenience and brevity].

2.This order has to be read in conjunction and in continuation of earlier proceedings made in the previous listing on 06.02.2023, which reads as follows:

'Captioned Habeas Corpus Petition has been filed in this Court on 25.01.2023 with a complaint that the petitioner's minor daughter one xxxx, aged 17 years and a class 12 student is missing. This minor girl shall hereinafter be referred to as 'detenue' solely for the sake of convenience and clarity.

2.Ms.D.Kowsalya, learned counsel for petitioner submits that the petitioner firmly believes that her daughter is in illegal detention of third respondent. It is pointed out that a police complaint on the file of second respondent has



been registered and from the FIR placed before this Court it comes to light that an FIR in Crime No. 365 of 2022 has been registered for 'girl missing'.

3.Mr.R.Muniyapparaj, learned State Additional Public Prosecutor accepts notice for Respondents 1 and 2 (official respondents). Learned Additional Public Prosecutor submits that a police team has zeroed in on the third respondent and it appears that the detainee is with the third respondent. Learned Additional Public Prosecutor also submits that 5 months earlier, a similar complaint was given and the detainee was secured. It is further submitted, on instructions, that the third respondent's mother is a single parent and she appears to have mental illness. Learned Additional Public Prosecutor requests for some time to carry the matter to its logical end.

4.To be noted, between now and the next listing which shall be a fortnight hence, if the detainee is secured by the police,it is open to the learned State Additional Public Prosecutor to mention the matter and produce the detainee before this Court.

5.Notice to third respondent returnable in a fortnight i.e., returnable by 20.02.2023. Private notice permitted.

List on 20.02.2023.'



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WEB COPY 3.Today, the absentee is secured and produced before us. The petitioner as well as her husband/father of absentee are also present.

4.Learned Additional Public Prosecutor submits that the absentee was dropped by the third respondent near Walajah Bus stand, thereafter the absentee called her parents who in turn informed the second respondent and the second respondent secured the absentee and thereafter the case was altered to Sections 366A of 'The Indian Penal Code (45 of 1860)' [hereinafter 'IPC' for the sake of convenience and clarity], Sections 5(1), 6 of Protection of Children from Sexual Offences Act [hereinafter 'POCSO Act' for the sake of convenience and clarity] and Section 9 of Child Marriage Act. He further submitted that the absentee was taken to Government Hospital, Walajah where the Doctor confirms that she was pregnant with 11 weeks. Thereafter the absentee was produced before the Child Welfare Committee and thereafter, she was referred to Government Child Home, Allapuram since the absentee was not willing to go with her parents as on 10.03.2023.

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5.Today, we had interaction with the absentee and she informs that now she is willing to go with her parents and pursue her education. We also had interaction with the parents of the absentee and they also agreed to provide all facilities and to support in her education. Further, the absentee seems to have concern for the well being of the third respondent and not to make him suffer due to the above case.

6.In view of the above, this Habeas Corpus Petition stands closed. It is for the All women Police Station, Ranpet, who is presently investigating the case to take the case to its logical end. Further, we are not expressing any opinion as regards the third respondent who is not before us and all the rights and contentions of all concerned in this FIR are preserved in these proceedings. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

cse

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Ranipet District.
2. The Inspector of Police,
Sipcot Police Station, Ranipet District.
3. The Inspector of Police,
All Women Police Station, Ranipet.
4. The Public Prosecutor
High Court, Madras.

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