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HCP No.226 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

CORAM
THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.226 of 2023

Palanisamy
S/o.Karuppa Gounder

.. Petitioner

Vs.

1. The Superintendent of Police
Erode District
2. The Inspector of Police
Nambiyur Police Station
Erode District
3. Nanda Kumar
S/o.Arjunan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 2nd respondent to secure the petitioner's daughter, namely Minor Shanmuga Priya aged about 17 years from illegal custody of the third respondent and produce her before this Court and hand over her custody to the petitioner.

Page Nos.1/4



HCP No.226 of 2023

WEB COPY

For Petitioner : Mr.M.Karthick
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity and convenience] has been filed by the father of 17 years old minor girl [hereinafter 'absentee' for convenience and for masking] saying that absentee is missing from 13.11.2022 and a case has been registered on the file of Nambiyur Police Station vide Crime No. 287 of 2022 on 14.11.2022.

2. Mr.M.Karthick, learned counsel for petitioner and petitioner along with his spouse (absentee's mother) are before this Court today.

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepts notice on behalf of Respondents 1 and 2 submits that the absentee has been rescued from one Arun Kumar (not third respondent in the captioned HCP) on 07.02.2023. The case was originally registered as 'Girl Missing' and thereafter altered to Section 366 of 'Indian Penal Code, 1860 (Act 45 of 1860)' ['IPC' for brevity], Section 5(L) read with Section 6 of 'The Protection of Children from Sexual Offences Act, 2012 (32 of 2012)'

Page Nos.2/4



HCP No.226 of 2023

[hereinafter 'POCSO Act' for the sake of brevity] and Section 9 of the Prohibition of Child Marriage Act, 2006.

4. We had an interaction with the absentee who was produced before us. Absentee in the interaction submitted that she is willing to go with her parents (petitioner and his spouse). This submission is recorded. Learned counsel for petitioner submits that this serves the purpose of the captioned HCP and law can take its course in all other aspects.

5. Though obvious we make it clear that we have not expressed any view or opinion on the merits of the case against Arun Kumar or third respondent for that matter.

Recording the aforesaid position, captioned HCP is disposed of as closed.

(M.S.,J.)

(M.N.K.,J.)

Index: Yes/No

Neutral Citation : Yes / No
gpa

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

gpa

To

1. The Superintendent of Police
Erode District
2. The Inspector of Police
Nambiyur Police Station
Erode District
3. The Public Prosecutor
Madras High Court

H.C.P.No.226 of 2023

13.02.2023

Page Nos.4/4