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H.C.P.No.354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

**H.C.P.No.354 of 2023**

I.Sakthivel

.. Petitioner

Vs

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

2.The Inspector of Police,  
Krishnapuram Police Station,  
Dharmapuri Taluk, Dharmapuri District.

3.G.Poormannan

4.Govindan

5.Rani

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to produce the petitioner's daughter namely XXX, D/o.Sakthivel, aged about 15 before this Court and hand over to the petitioner.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor  
assisted by Mr.M.Sylvester John  
for R1 and R2



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**ORDER**

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

The petitioner/father of the minor girl lodged a complaint on 18.02.2023 that his elder daughter (date of birth 18.04.2008) had gone to school was found missing on the early hours of 18.02.2023. After searching her in several places, the petitioner lodged the complaint and a case was registered by the second respondent in Crime No.27 of 2023 for 'girl missing'. Since no action was taken on the complaint, the present habeas corpus petition has been filed.

2. Today, petitioner and petitioner's counsel are present before this Court.

3. Learned Additional Public Prosecutor for respondents 1 and 2 on instructions submits that on registration of the first information report, the second respondent took up investigation and found the petitioner's minor daughter along with third respondent in Puducherry on 25.03.2023 and thereafter, the minor girl was secured. Recording her statement, the case has been altered from 'girl missing' to offence under Sections 363, 366 of Indian Penal Code and Section 9 of Prohibition of Child Marriage Act and Section



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6 r/w 5(I) of POCSO Act. He further submits that the third respondent is aged about 27 years and he is a neighbour of petitioner. The third respondent has been arrested and remanded to judicial custody.

4. Learned Additional Public Prosecutor submits that the minor girl is sent for medical examination and during enquiry, she had informed her willingness to join the petitioner viz., her father. The petitioner also admits the same.

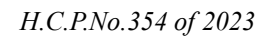
5. In view of the fact that the minor girl is willing to join her parents and continue her education, no further orders are required. Accordingly, this habeas corpus petition stands closed, however, reserving the rights of the third respondent to putforth his contentions before the appropriate Court/Forum, if he intends to do so.

**(M.S.,J.) (M.N.K.,J.)**  
27.03.2023

Index : Yes / No  
Neutral Citation : Yes / No  
mmi

To

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



mmi

- 2.The Inspector of Police,  
Krishnapuram Police Station,  
Dharmapuri Taluk, Dharmapuri District.
- 3.The Public Prosecutor,  
High Court, Madras.

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