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H.C.P.No.1933 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2023

CORAM :

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**  
and  
**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

H.C.P.No.1933 of 2023

Ghanshyam

...Petitioner/Father of the detenu

Vs.

1.The Superintendent of Police  
Coimbatore District.

2.The Inspector of Police  
Mettupalayam Police Station  
Coimbatore District.

3.Vignesh

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India in the nature of Writ of Habeas Corpus directing the first respondent to produce the body and person of Komal, minor daughter of Ghanshyam, aged about 14 years, before this Court, who is in the custody of the second respondent by



name Vignesh son of Ravi residing at No.91/37 - ALS Puram, 2<sup>nd</sup> Street,  
Mettupalayam, Coimbatore District and handover custody to the petitioner.

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|                 |                              |
|-----------------|------------------------------|
| For Petitioner  | : Mr.C.D.Sugumar             |
| For Respondents | : Mr.E.Raj Thilak            |
|                 | Additional Public Prosecutor |
|                 | assisted by                  |
|                 | Mr.C.Aravind                 |

### ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner/father of the detainee has filed this Habeas Corpus petition stating that his elder daughter, by name Komal, aged about 14 years, was found missing on 06.09.2023.

2. It is the case of the petitioner that he lodged a complaint on 07.09.2023 and the same was registered in Crime No.618 of 2023 on the same day. From the enquiry, the petitioner suspected the third respondent and therefore, he informed this to the Police. After the filing of this case, it is reported that the detainee was produced before the learned Judicial Magistrate No.III, Coimbatore.

3. Mr.E.Raj Thilak, the learned Additional Public Prosecutor, submitted that the case has been registered against the third respondent in Crime No.618 of 2023 for the offences under Sections 366 and 344 of the IPC and 5(i), 5 (j)



(ii) r/w 6 of POCSO Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, and that the detainee was also produced before the learned Judicial Magistrate No. III, Coimbatore.

4. It is now stated by the learned Additional Public Prosecutor that the detainee was produced before the learned Judicial Magistrate No. III, Coimbatore, and she expressed her willingness to go with the petitioner/father of the detainee and therefore, the detainee was handed over to the petitioner. Since the custody of the minor child is taken by the petitioner himself, this Court finds it not necessary to pass further orders or directions in this petition. Hence, this Habeas Corpus Petition is closed.

(S.S.S.R., J.) (S.M., J.)

20.11.2023

Internet : Yes Index : Yes / No

Neutral Citation : Yes / No

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Copy to :-

- 1.The Judicial Magistrate No. III,  
Coimbatore.
- 2.The Superintendent of Police,  
Coimbatore District.
- 3.The Inspector of Police,  
Mettupalayam Police Station,  
Coimbatore District.
4. The Public Prosecutor  
High Court of Madras,  
Chennai – 600 104.



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**S.S. SUNDAR, J.**  
**and**  
**SUNDER MOHAN, J.**  
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