



HCP No.2585 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

Coram

The Hon'ble Mr. Justice **M.SUNDAR**
and
The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

H.C.P. No.2585 of 2022

B.Mageswari

... Petitioner

-VS-

1.The State

Rep. by Deputy Superintendent of Police,
Arakkonam,
Ranipet District.

2.The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam,
Ranipet District.

3.Manikandan

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to secure the detenu the petitioner's minor daughter namely B.Geetha Priya aged about 17 years and produce before this Court and handover her custody to the petitioner herein.



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For Petitioner .. Mr.Jeremiah Grogory John
For Respondents .. Mr.R.Muniyapparaj
R1 & R2 .. Additional Public Prosecutor

ORDER

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

Read this in conjunction with and in continuation of our earlier proceedings made on 25.01.2023, which reads as follows:

'The petitioner, who is the mother of minor daughter B.Geetha Priya, aged about 17 years, has filed this petition. Earlier, she lodged a complaint and the second respondent registered a case in Crime No.430 of 2022 on 24.11.2022 under 'Girl Missing'. The complaint is that, her only minor daughter, after completion of +2, was intended to continue her college education and residing at petitioner's mother's residence i.e., maternal grandmother's residence. On 22.11.2022, at about 11.00 p.m., the girl was found missing and a complaint was lodged. Thereafter, no action was taken. Hence, the petitioner filed this petition.

2.In the meanwhile, the petitioner had ascertained and found that it was the third respondent, viz., Manikandan, who had taken away the minor daughter forcefully.



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3.Today, Mr.R.Muniyapparaj, learned Additional Public Prosecutor submits that the victim girl was secured and handed over to her parents on 12.01.2023 and the case altered from girl missing into Sections 366, 366A of 'the Indian Penal Code' ['IPC'] read with Sections 4 and 8 of 'the Protection of Children from Sexual Offences Act, 2012 [No.32 of 2012]' ['POCSO Act'].

4.The learned counsel for petitioner refuted the same stating that it is the father of the detenue, on receipt of information, had gone to Bangalore, secured and rescued his daughter, who was forcefully made to work in the fish market. Further, she was also abused both mentally and physically. Thereafter, he informed about the same to the respondent police. The learned counsel for the petitioner further stated that the police have not taken any steps to arrest the third respondent who is said to have committed serious offence under POCSO Act.

5.The learned Additional Public Prosecutor submits that today, the victim girl is produced before the learned Judicial Magistrate No.I, Arakkonam for recording 164 Cr.PC statement and thereafter, further investigation will be conducted. The learned Additional Public Prosecutor seeks for a short accommodation to file a status report giving the details about the steps taken, special team which went to



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Bangalore and how the victim girl was secured and brought before the Court.

List on 08.02.2023. '

2.Heard Mr.Jeremiah Gregory John, learned counsel appearing for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3.Today, it is submitted that in this case the third respondent was arrayed as A1 and he was arrested on 07.02.2023. It is further submitted that another accused, namely, Rakesh was arrested on 04.01.2023 in Crime No.430 of 2022. Further, the victim girl was secured on 12.01.2023 and now she is with the petitioner.

4.In view of the above, the Habeas Corpus Petition stands disposed of. There shall be no order as to costs.

(M.S,J.) (M.N.K.,J.)
14.02.2023

Index:Yes
Neutral Citation : Yes/No
cse



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To

- 1.The Deputy Superintendent of Police,
Arakkonam, Ranipet District.
- 2.The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam, Ranipet District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai - 104.



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

cse

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