



H.C.P.(MD) No.642 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Pandi

... Petitioner / Father of the detenue

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thanjavur District.
- 3.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.

4.Arivazhagan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the Respondent Nos.1 to 3 to produce the person or body of the petitioner's daughter by name Abibharathi, aged about 17 years before this Hon'ble Court and handover her custody to the petitioner.



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For Petitioner : Mr.S.Ramesh Kumar
for M/s.S.Amulraj

For Respondents : Mr.RMS.Sethuraman
1 to 3 Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Habeas Corpus Petition has been filed seeking a direction to the respondents 1 to 3 to produce the person or body of the petitioner's daughter by name Abibharathi, aged about 17 years, before this Court and handover her custody to the petitioner.

2. Today when the Habeas Corpus Petition is taken up for hearing, the respondent police has produced the detainee viz., Abibharathi, whose date of birth is 21.07.2005, therefore, she is a minor.

3. The detainee girl has stated before us that, since she has fell in love with the 4th respondent, he had taken her from home on 15.05.2023 to Coimbatore, Tiruppur as well as Salem and for the past nearly about 45 – 50 days, she has been with him. However, she does not want to continue the



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relationship with him, therefore, she called the petitioner, who is the father of the detainee girl, to take her back. Hence, the petitioner as well as the respondent police have gone and secured the detainee girl at Salem yesterday and she has been brought before this Court.

4. The detainee girl has further stated that she realised the mistake and she wants to join with the parents.

5. However, Mr.R.M.S.Sethuraman, learned Additional Public Prosecutor, appearing for the respondents 1 to 3 would submit that, the detainee is a minor girl and she has been with the 4th respondent and based on the statement given by the detainee girl, the case is going to be altered for the alleged offences punishable under the provisions of the Protection of Children from Sexual Offences Act, 2012, and therefore, necessary legal formalities, including the medical examination of the detainee girl, have to be undertaken. For the said purpose, even if the detainee girl joins with the petitioner / parents, from where the respondent police will take the detainee girl for medical examination and for other investigation purpose.



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6. We have recorded the said statement given by the detainee girl as well as the submissions made by the learned Additional Public Prosecutor appearing for the respondent police.

7. In view of the same, as the detainee girl wants to go back with the petitioner / parents, naturally who are the guardians of the detainee girl, as the detainee girl even as on today is a minor, we feel that this Habeas Corpus Petition can be closed by recording the aforestated.

8. At the same time, if the respondent police is altering the case for the alleged offences punishable under the provisions of the POCSO Act, based on which necessary follow up action, including the arrest of the 4th respondent, shall be taken and the same shall be undertaken forthwith.

9. In this context, if any life threat comes either to the detainee or parents of the detainee, that shall be taken care of by the respondent police and necessary protection to that effect can also be considered to be granted to the family of the detainee from the threat of the 4th respondent or anybody on behalf of the 4th respondent.



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10. With these directions, this Habeas Corpus Petition is closed.

(R.S.K., J.) & (K.K.R.K, J.)
27.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thanjavur District.
- 3.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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