



H.C.P.(MD) No.653 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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Ilamathi

... Petitioner / Mother of the detenue
Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.Assistant Commissioner of Police,
O/o.Madurai City, Madurai.

3.The Inspector of Police,
Anna Nagar E-3 Police Station,
Madurai.

4.Yuvan Sankar Raja
5.Govindhammal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 3 to produce the person or body of the detenue, namely, Jenifer, D/o.Anbu Raj, aged about 17 years, before this Court and set her at liberty.



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For Petitioner : Mr.K.M.Priscilla Jancy
For R1 to R3 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The petitioner, seeking production of her daughter, namely, Jenifer, aged about 17 years, has filed this Habeas Corpus Petition.

2.Today, when the matter is taken up for hearing, the respondent Police has produced the detinue before this Court, who is the minor girl, as her date of birth is 04.04.2006. She has stated before us that since she fell in love with the 4th respondent, she left the parental home and joined with him and she claimed to have married him on 01.06.2023, where they lived together for sometime and had the relationship.

3.Therefore, the respondent Police has altered the case into an offence punishable under the provisions of POCSO Act and in this regard, they want to conduct medical examination of the detinue girl. Now, the detinue girl presently wants to go with the petitioner ie., the mother of the



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detenue, from there she stated that she will co-operate for the medical examination.

4.The learned Additional Public Prosecutor for the respondents 1 and 2 would submit that the detenue will be taken for such medical examination from the petitioner's house and accordingly, the investigation will go on to reach its logical conclusion.

5.The said statement made by the detenue as well as the submissions made by the learned Additional Public Prosecutor for the respondents 1 and 2 is taken on record.

6.In view of the same, we feel that the detenue for the present can be permitted to go with the petitioner, who is the mother of the detenue, from there for the purpose of medical examination and other investigation, the respondent Police can take the detenue and accordingly, after medical examination, further investigation can go on, till it reaches its logical conclusion.



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7. With this observation, 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

MYR

To

1. The Commissioner of Police,
Madurai City, Madurai.

2. Assistant Commissioner of Police,
O/o. Madurai City, Madurai.

3. The Inspector of Police,
Anna Nagar E-3 Police Station,
Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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AND
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MYR

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