



HCP(MD)No.666 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.09.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.666 of 2023

D.Chellappa

.. Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District

2.The Inspector of Police,
All Women Police Station,
Srivaigundam
Thoothukudi District.

3.The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District

4.P.Gandhirajan

.. Respondents

PRAYER: Habeas Corpus 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 body or person of the detenu by name C.Durgadevi, daughter of Chellappa aegd about 16 years, before this Court and hand over the custody to the petitioner.



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For Petitioner : Mr.S.Malaikani

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detainee, namely, C.Durgadevi, who was born on 06.10.2006, now aged about 16 years.

2. Earlier, in the last week of February, 2023, the fourth respondent herein had taken the petitioner's minor daughter/detenuer along with him, owing to which, the petitioner had filed a complaint. Pursuant to which, a case in Crime No.25 of 2023 was registered under "Girl Missing". Subsequently, based on the statement given by the detainee, the Section of law was altered into Section 363 I.P.C. and Section 7 r/w. Section 8 of the Protection of Children from Sexual Offences Act, 2012. The second respondent police had issued summons to the fourth respondent herein under Section 41-A of the Code of Criminal Procedure in connection with the investigation of the said case. In this background, the petitioner's daughter was once again taken by the fourth respondent herein on



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23.05.2023. The petitioner's complaint in this regard was registered in Crime No.74 of 2023 under Section 363 I.P.C., which was subsequently altered into Section 363 I.P.C. and Sections 5(I) and 6 of the POCSO Act. In connection with the case in Crime No.25 of 2023, the fourth respondent herein was arrested and remanded to judicial custody on 25.08.2023 and the petitioner's daughter/detenué, who was in the custody of the fourth respondent, was secured and produced before us..

3. When the petitioner's daughter was produced before us on 01.09.2023, we had interacted with her as well as the petitioner. The petitioner's daughter specifically informed that she intends to live only with her mother and not with the fourth respondent herein.

4. This apart, the petitioner's daughter also informed us that she is pursuing 11th standard in Karungulam and in view of the above incidents, the school authorities had refused to continue her further studies. In this background, we had called upon the Superintendent of Police, Tuticorin District, to inform the concerned Headmistress of the Government Girls Higher Secondary School to permit the petitioner's daughter to continue her



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in the school. In this background, the Superintendent of Police had instructed the concerned Inspector of Police, to ensure that the petitioner's daughter continues her school education. Accordingly, the Inspector of Police had initiated steps to accommodate the petitioner's daughter in the school. At this point of time, it is stated that his daughter/detenué did not wish to continue in the same school, but wanted to get admitted in any other/Government Girls Higher Secondary School. Accordingly, the second respondent had taken initiative to admit the petitioner's daughter in Sri A.K.S. Girls Higher Secondary School, Srivaikundam and she has also been admitted in the Girl's Hostel at Muthukuviyal, Srivaikundam. The admission certificate issued by the concerned school is as follows:



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5. In view of this development and the decision of the petitioner's daughter to live with her mother, no further orders are required to be passed in the present Habeas corpus Petition.

6. Before parting with this case, we would like to place our appreciation to the efforts initiated by Mr.Balaji Saravanan, Superintendent of Police, Tuticorin as well as Mr.K.Padmanabapillai, Inspector of Police, Seithunganallur Police Station, Tuticorin District for facilitating the detinue to continue her education. Accordingly, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
07.09.2023

NCC :Yes / No
Internet : Yes
RR



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To

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2. The Inspector of Police,
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Thoothukudi District.
3. The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.S.RAMESH, J.
and
M.NIRMAL KUMAR,J.

RR

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