



H.C.P.(MD) No.670 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.670 of 2023

Sappani

... Petitioner / Detenue's Father

Vs.

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

2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

3.Hari Ram

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 & 2 to secure the petitioner's daughter Uma, aged about 17 years and produce her in person or body before this Hon'ble Court and hand over the custody to the petitioner.

For Petitioner : Mr.V.Angusamy



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For Respondents : Mr.RMS.Sethuraman
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 and 2 herein to produce the body or person of the petitioner's daughter namely Uma, aged about 17 years, before this Court and hand over the custody to the petitioner.

2. Today when the Habeas Corpus Petition is taken up for hearing, the respondent police has produced the detainee girl.

3. The detainee girl, who is secured by the respondent police, has given a statement before the respondent police stating that, since she fell in love with the third respondent, along with him, she left the parental home and claimed to have married him, thereafter, they lived together for some time in Coimbatore / Pollachi, where there has been a relationship between them and all these aspects have been given by the detainee before the respondent police.



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4. Based on the said statement given by the detinue, the respondent police had already altered the case into an alleged offence punishable under the provisions of the Protection of Children from Sexual Offences Act, 2012, and according to the learned Additional Public prosecutor, the investigation is on, pursuant to which, the medical examination of the detinue girl is over and further formalities would be complied with, the learned Additional Public prosecutor contended.

5. Since the detinue girl is under 18 years i.e., minor, therefore, at this juncture, the detinue girl can be safely placed at the home, for which, respondent police shall take necessary arrangements.

6. Insofar as the plea raised by the petitioner, who is of the father of the detinue girl, through his lawyer that, he wants to take the detinue girl with him, we feel that for the time being the detinue girl be at the Home and after some time, it is for the petitioner to make necessary plea to that effect in the manner known to law.



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7. In the meanwhile, if the petitioner / father wants to see the detainee girl, he can have a visitation right after getting proper permission from the Management of the Home concerned, where the detainee girl is going to the placed.

8. Since the detainee has come and as of now she is not in any illegal custody, with the aforesaid directions, this Habeas Corpus Petition can be closed, accordingly, it is closed.

(R.S.K., J.) & (K.K.R.K, J.)
22.06.2023

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

To

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

2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.



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

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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

SJ

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