



H.C.P.(MD)No.771 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

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Nagavalli

**.. Petitioner / mother of
the detenue**

Vs

**1. The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.**

**2. The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.**

3. Mahalingam

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the first and second respondents that to produce the body or person of the detenue namley Kavirna, D/o.(late) Karthigaisamy, aged 17 years, who is daughter of the petitioner before this Court and to handover the custody of detenue to the petitioner.

For Petitioner : Mr.M.S.Jeyakarhik

**For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor**



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ORDER

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[Order of the Court was made by **R.SURESH KUMAR, J.**]

This Habeas Corpus Petition has been filed to direct the second respondent to produce the person or body of the petitioner's daughter Kavirna, D/o.(late) Karthigaisamy, 17 years old before this Court and hand over his custody to the petitioner.

2.Today, when the case was taken up for hearing, the respondent police have produced the detainee, namely, Kavirna. She has stated before us that she had left the parental home as she fell in love with the third respondent, who is a Mason by profession and she claimed to have married him and resided at Tiruppur and thereafter, now she has been produced before this Court.

3.The learned Additional Public Prosecutor would submit that since the date of birth of the detainee is 17.08.2006, she is a minor. Therefore, based on the enquiry, the respondent police have altered the case under the provisions of POCSO Act and in this context, today, the detainee will be produced before the Judicial Magistrate concerned for



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recording her statement under Section 164 Cr.P.C., based on which, further course of action would be taken. We have recorded the submission made by the detainee as well as the learned Additional Public Prosecutor.

4. On such enquiry that has already been fixed by the respondent police, if an offence is made out under the provisions of the POCSO Act, the third respondent shall be dealt with accordingly by arresting him forthwith. Let the detainee be kept in the Home, where she is now staying at Ramanathapuram. The mother of the detainee can have the visitation right once in fortnight for a period of one hour. During that one hour period, one responsible officer from the respondent police station be present.

5. With the above observation and direction, the Habeas Corpus Petition is closed.

(R.S.K.,J.) (K.K.R.K.,J.)
30.06.2023

Internet : Yes
RR



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To

1. The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.
2. The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
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.**

RR

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