



HCP(MD)No.881 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.07.2023

CORAM

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

H.C.P.(MD)No.881 of 2023

S.Paripooranam

.. Petitioner/Mother of Detenue

Vs.

1.State represented by
The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.State represented by
The Inspector of Police,
South Police Station,
Thoothukudi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to direct the respondent Nos.1 and 2 to secure petitioner's daughter Muthulakshmi (aged 17), D/o.Shanmugavel, and to produce the detenue's body or by person before this Court and hand over the custody to the petitioner.



HCP(MD)No.881 of 2023

For Petitioner : Mr.K.Prabhu
for Mr.S.Senthil Sankaranatha Kumar
For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

When the petitioner's daughter Muthulakshmi, born on 04.06.2006 and now aged about 17 years, went missing from their house on 15.05.2023, she had given a complaint to the second respondent Police, which was registered in Crime No.220 of 2023. Since there was no progress in the investigation, the present Habeas Corpus Petition has been filed.

2. Today, when the matter was taken up for hearing, the second respondent herein had produced the petitioner's daughter, Muthulakshmi before this Court. According to the learned Additional Public Prosecutor, the petitioner's daughter had fallen in love with one Vijay, aged about 22 years, residing at B2, Annanagar 4th Street, Thoothukudi and that on the



HCP(MD)No.881 of 2023

compulsion of the petitioner's daughter, both of them had eloped from their respective houses to Madurai.

3. We had interacted with the petitioner's daughter as well as the boy Vijay. The petitioner's daughter stated that she intends to return to her parents for the present. The boy Vijay stated that he is working in a furniture company on a weekly wages basis and that he is in love with the petitioner's daughter. In view of the opinion expressed by the petitioner's daughter that she intends to rejoin with her family, namely, the petitioner herein, the grievance of the petitioner in the present Habeas Corpus Petition seems to have been met. Hence, no further orders are required to the prayer sought for by the petitioner in the present Habeas Corpus Petition.

4. Incidentally, when complaints are received for an offence alleged to have been committed by an adolescent (16 to 18 years) and when such offence arises out of a love affair between the accused and the victim girl, the Director General of Police had issued a Circular dated 30.04.2023, by giving certain guidelines. Among such guidelines, it is ordered that, (i) in



HCP(MD)No.881 of 2023

POCSO Act cases, which arise out of a love affair between adolescents, the Station House Officers should not resort to a hasty arrest; (ii) instead, an inquiry should be conducted by sending a summon under Section 41(4) of CrPC; (iii) the details and reasons for not arresting the accused should be recorded; (iv) when the arrest of the accused persons in a POCSO Act case is imminent, the prior written permission of the District Superintendent of Police should be obtained and only then, the arrest should be effected and (v) in important POCSO Act cases, the higher officials should scrutinize the final report, particularly in cases where further action is dropped and appropriate advice should be given. The Circular also states that the City Police Commissioners and District Superintendent of Police should monitor the strict implementation of the aforesaid guidelines.

5. The second respondent herein, shall bear in mind the aforesaid Circular of the Director General of Police dated 30.04.2023, while conducting the investigation in Crime No.220 of 2023.



HCP(MD)No.881 of 2023

6. Accordingly, the Habeas Corpus Petition stands closed.

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(M.S.R.,J.) (M.N.K.,J.)
20.07.2023

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.
- 2.The Inspector of Police,
South Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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HCP(MD)No.881 of 2023

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

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H.C.P.(MD)No.881 of 2023

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