



HCP(MD)No.877 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.07.2023

CORAM

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

H.C.P.(MD)No.877 of 2023

Thandayuthabani

.. Petitioner/Father of the detainee

Vs.

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

2.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.

3.Saimen

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the body or person of the detainee namely Minor Karguzhali (aged about 17 years 4 months and 8 days) D/o.Thandayuthabani from the illegal custody of the third respondent and produce her before this Court and hand over her custody to the petitioner.



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For Petitioner : Mr.S.Venkatesan

For R-1 and R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

The present Habeas Corpus Petition has been filed for production of the petitioner's minor daughter.

2. The petitioner's daughter, namely, Karguzhali (born on 05.03.2006 and now aged about 17 years and 4 months) had went missing from the petitioner's house from 01.07.2023 onwards. The petitioner's complaint to the second respondent Police was registered in Crime No.559/2023 dated 05.07.2023 under girl missing. Since there was no progress in the investigation, the present Habeas Corpus Petition has been filed.



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3. Pending the Habeas Corpus Petition, the second respondent Police had traced the petitioner's daughter at Pattukottai and produced her before us today.

4. The learned Additional Public Prosecutor submitted that the FIR in Crime No.559/2023 was subsequently altered through an alteration report dated 14.07.2023 for offences under Section 366(A) and 363 IPC and the respondent Police have also remanded the third respondent herein with whom the petitioner's daughter was found.

5. In the statement given by the petitioner's daughter before the jurisdictional Magistrate under Section 164 CrPC, she has stated that she had met the third respondent herein during school days and their friendship had developed into love later. When the parents of the girl came to know about the love affair, they had reprimanded her strictly, owing to which, she had called the third respondent and asked him to take her with him, failing which, she would commit suicide. According to her, in view of her request, the third respondent herein had taken her with him to Pattukottai and



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thereafter, the Police had secured her presence based on the petitioner's complaint.

6. We interacted with the petitioner's daughter as well as the petitioner. The petitioner's daughter, who is 8 months short of becoming a major, ratified the statement given before the learned Magistrate and affirmed that she went on her own will and accord with the third respondent herein. She also stated that she now intends to return back to her parents house and thereafter, join the first year B.P.Ed course at Poondi College, where she will be staying in the college hostel. The petitioner also stated that he would take care of his daughter and continue her college education.

7. In view of the statements made by the petitioner's minor daughter before the concerned Magistrate under Section 164 CrPC as well as before us physically, the offences under Section 366(A) or 363 IPC may not be attracted.



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8. Since the grievance of the petitioner has been met, no effective orders can be passed in the present Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition stands closed.

(M.S.R.,J.) (M.N.K.,J.)
18.07.2023

NCC : Yes / No
Index : Yes / No
Lm

To

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



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