



H.C.P.(MD) No.32 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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Kavitha

... Petitioner

-VS-

- 1.The Superintendent of Police,
Dindigul District.
- 2.The Deputy Superintendent of Police,
Nilakottai,
Dindigul District.
- 3.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
- 4.Poomani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body or person of the detainee / the petitioner's daughter named Minor. Gayathiri,



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D/o.Thalapathy, aged about 14 years, before this Court and hand over the detenue to the petitioner.

For Petitioner : Mr.K.Kharikharadas

For Respondents : Mr.S.Ravi
Additional Public Prosecutor for R1 to R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Habeas Corpus Petition has been filed to direct the respondents 1 to 3 to produce the petitioner's daughter, namely, Gayathiri, D/o.Thalapathy, aged about 14 years, before this Court and set her at liberty.

2. According to the petitioner, her daughter / detenue was missing from 07.06.2023 and she came to know that the 4th respondent has kidnapped her daughter. Hence, she lodged a complaint before the third respondent. Though the third respondent has registered a case in Crime No.188 of 2023, did not take any steps to find out her whereabouts. Therefore, she has filed the present Habeas Corpus Petition.



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3. Today, when the matter was taken up for hearing, the respondent police produced the detenue before this Court. On enquiry, she stated that she is a minor and she is willing to go along with her parents. The said submission made by the detenue is recorded.

4. Learned Additional Public Prosecutor appearing for the respondents would submit that the detenue was produced from the custody of the fourth respondent and the case in Crime No.188 of 2023 registered for girl missing was altered to Section 363 I.P.C. and Sections 5(i) and 6 of POCSO Act and the fourth respondent was remanded to judicial custody.

5. Recording the submission of the detenue and handing over her custody to the petitioner, the Habeas Corpus Petition stands closed.

[D.K.K., J.] [R.V., J.]
23.01.2024

Index : Yes / No
Internet : Yes / No
SJ

