



H.C.P.(MD) No.134 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM:

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

H.C.P.(MD) No.134 of 2024

Thangapalam

... Petitioner

-VS-

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

2.The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli,
Tirunelveli District.

3.Balasubramanian

... 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 2 to produce the body or person of the detainee by name, Thilaga, D/o.Sekar, Minor, aged about 16 years before this Court and handover her custody to the petitioner.



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For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.S.Ravi
Additional Public Prosecutor for R1 and R2

ORDER

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

This Habeas Corpus Petition has been filed to direct the respondents 1 to 2 to produce the body or person of the detainee by name, Thilaga, D/o.Sekar, Minor, aged about 16 years before this Court and handover her custody to the petitioner.

2. According to the petitioner, her minor daughter / detainee was missing from 20.01.2024 and she came to know that the 3rd respondent has kidnapped her daughter. Hence, she lodged a complaint before the second respondent. Though the second respondent has registered a case in Crime No.6 of 2024, 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 the petitioner. The said submission made by the detenue is recorded.

4. Learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the detenue was produced from the custody of the third respondent and the case in Crime No.6 of 2024 registered for girl missing was altered to Section 366 I.P.C., Section 9 of Prohibition of Child Marriage Act and Sections 5(1) and 6 of POCSO Act and the third 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.]
15.02.2024

Index : Yes / No
Internet : Yes / No
SJ

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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

SJ

To

- 1.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
- 2.The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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