



H.C.P.(MD) No.218 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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Vijaya

... Petitioner

-VS-

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.

3.Philips Samuel

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 & 2 to produce the person or body of the petitioner's minor daughter the detenu namely XXXX S/o.Sankaranarayanan, aged about 17 years, before this Court and handed over the custody to the petitioner.



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For Petitioner : Mr.S.Poornachandran
For R1 & R2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Habeas Corpus Petition has been filed by the mother of the detenu seeking production of her minor daughter before this Court.

2. The case of the petitioner is that her younger daughter xxxx, aged about 17 years born on 24.02.2006, was found missing on 06.01.2024 and she had given a complaint to the second respondent police and a case has been registered in Cr.No.3 of 2024 under the caption 'Girl Missing'. Subsequently, the respondent police has not taken any action and hence, the petitioner has filed the present petition.



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3. Today, when the matter is taken up for hearing, the alleged detenu appeared before this Court through Mr.K.Lenin, Advocate. She submitted that she came to know about the pendency of the habeas corpus petition through one Mr.A.Singaravelan, Junior Bailiff, Principal District Court, Tiruchirappalli and she has appeared before this Court through the said Advocate. She further submitted that her parents suspected that she was having an affair with the third respondent and they had earlier given a complaint against him and an enquiry was conducted in CSR No.1030 of 2023 by the All Women Police Station, Tallakulam. and on the undertaking given by the third respondent it was closed. Subsequently, since her parents forced her to marry some other person against her wish, she had left the home on her own volition and stayed in her friends house and now, she is staying at PG hostel at Chennai from 20.01.2024. However she refused to divulge the details of the friend and PG hostel where she was staying. She also submitted that she is not willing to go along with her parents.

4. From the records, we find that on 06.01.2024 when the detenu was found missing she was minor and that she has received assistance from said A.Singaravelan. The said Singaravelan knowing fully well the fact that a



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criminal case was registered for missing of the minor girl had not taken any steps either to intimate the same to the police or to produce her before the concerned police. Whereas now after the girl has attained majority, he has produced the girl by engaging an Advocate. This Court is of the opinion that the alleged detenu and Singaravelan are suppressing facts in respect of what transpired during the period she was missing.

5. This Court feels that though the alleged detenu has attained majority as on date, investigation has been done with regard to what transpired from 06.01.2024 till she attained majority and the respondent police are bound to investigate the same and take appropriate action in accordance with law.

6. Mr.K.Lenin, Advocate is directed to produce the alleged detenu before the respondent police for recording her statements. Based on the statement, the respondent police are directed to proceed further in accordance with law. The respondent police shall also enquire Mr.A.Singaravelan, Junior Bailiff, Principal District Court, Tiruchirappalli, who has produced the detenu about the incidents



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what transpired from 6.1.2024 to till date. Based on that enquiry, a report shall be sent to the Principal District Judge, Trichirappalli.

7. In view of the above, we find that as on date she has attained majority and she is not in illegally detention of anybody. Accordingly, this Habeas Corpus Petition is closed, however granting liberty to the second respondent to investigate the complaint of the petitioner in accordance with law.

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy today

[A.D.J.C., J.] [K.R.S., J.]

08.04.2024

To:

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
K.RAJASEKAR, J.

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