



H.C.P(MD)No.332 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD) No.332 of 2024

Karuppaiah

...Petitioner /Father of the detenu

Vs.

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

2. The Deputy Superintendent of Police,
Oddanchatram Division
Oddanchatram
Dindigul District.

3. The Inspector of Police,
Oddanchatram Police Station,
Oddanchatram
Dindigul District.



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4. The Sub Inspector of Police,
Oddanchatram Police Station,
Oddanchatram
Dindigul District.

5. The Superintendent of Police,
Bhadrak District.
Bhadrak
State of Odisha.

6. The Inspector of Police,
Agarpada Police Station
Agarpada
Bhadrak District.
State of Odisha.

7. M/s.GVG Industries Pvt. Ltd.,
Rep by its Managing Director,
Muthusamy,
Semmadaipatti,
Palakanoothu Post,
Dindigul to Palani Road,
Dindigul – 624 619.

8. Parasuram @ Rajesh

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents 1 to 4 to secure the produce the body or person of the detenu, namely, minor Muthuselvi, D/o.Karuppaiah, aged about 17 years, and 5 months (daughter of the petitioner) before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.T.Senthil Kumar – for R1 to R6
Additional Public Prosecutor

ORDER

The Habeas Corpus Petition has been filed by the father of the detenu complaining that his daughter, who was aged 17 years on the date of filing the petition on 06.03.2024, had been missing on and from 12.02.2024 and to secure and produce her before this Court.

2. It was complained that the petitioner suspected that she would have moved away from her natural place of residence with the 8th respondent who is a resident of Bhadrak District in Odisha State.



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3. The Habeas Corpus Petition has been coming up on successive hearing dates and the Bench had taken strenuous efforts to somehow to secure the young child. In order to bring to light, the successive orders passed by the previous Bench and by this Bench, it is only appropriate that the orders are extracted.

4. On 10.04.2024, the following order was passed:

“When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents 1 to 6 would submit that based on the complaint given by the petitioner, a case has been registered in Cr.No.99 of 2024 under the 'Girl Missing' and special team has been formed and twice the team has visited the house of the 8th respondent, however, the detenu and the 8th respondent were not found. He would further submit that the respondent police are continuing the investigation to secure the detenu. As and when the detenu is secured, they will produce the detenu before the jurisdictional Magistrate.

2. The learned Additional Public Prosecutor appearing for the official respondents further submitted that the respondent police has also enquired the labour co-ordinator, who had brought the 8th respondent from Odisha for getting job in the company



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of the 7th respondent.

3. The learned counsel for the petitioner is permitted to take notice to the respondents 5 & 6 through Court and privately returnable by three weeks.”

5. It is thus seen that as early as April 2024, the Bench had recorded that the respondent had also enquired with the Labour Coordinator, who had brought the 8th respondent from Odisha, to get a job in the 7th respondent. It was also noted that a special team had been formed and on two separate occasions, the team had visited the house of the 8th respondent. Thereafter, on 03.06.2024 the following orders was passed :

“Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that a special team has been appointed to secure the alleged detenue and they are taking effective steps with the assistance of Agarpada Police of Odisha State, who have also deputed their police personnel to assist the special team and he seeks further time.

2. At request of the learned Additional Public Prosecutor, post the matter after two weeks.”



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6. The matter was again taken up for hearing on 20.06.2024, wherein, after noting down the order, dated 03.06.2024, the Division Bench had observed as follows :

“2. The learned Additional Public Prosecutor appearing for the respondents would submit that the investigation reveals that the 8th respondent had developed intimacy with minor girl, who was born on 16.10.2006 and that the alleged missing person is in the verge of attaining majority. The 8th respondent is native of Orissa, aged about 20 years has developed love affair with the detenu and he has taken the detenu to his native place. He would further submit that the Special Team has been formed and effective steps are taken to track the detenu and the 8th respondent. He would further submit that the Inspector of Police has filed the status report along with photos to prove the efforts taken by him and the special team to secure the missing person. He would further submit that the Special Team is confident that they will secure the detenu at the earliest.

3.Post the matter after three weeks.”

7. It is thus seen that no clarity had emanated and it had come to light that the daughter of the petitioner had developed intimacy



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with the 8th respondent who is a native of Odisha and aged about 20 years and it was also noted that the 8th respondent had taken the daughter of the petitioner to his native place. The respondent had stated that a further special team had been formed to go over to Odisha to enquire about the place where the detenu is.

8. The matter came up for consideration again on 12.07.2024, wherein the Division Bench had passed the following:

“The learned Additional Public Prosecutor appearing for the official respondents would submit that they received information that the missing person along with 8th respondent are hiding themselves in Orissa State, Bhadrak District and they are shifting the places. The police are taking effective steps to trace the detenu. The Agarbada Police, Bhadrak District, Orissa State are co-operating with the Tamil Nadu Police. The Superintendent of Police also formed a team and seeks some more time.

Post the matter after four weeks.”

9. It is thus seen that further progress was indicated in the investigation by the respondent wherein, it had been noted that the



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Agarbhada Police at Badrak District in Odisha are co-operating with the respondent and that the Superintendent of Police has formed a very specific special team to go over to Odisha, to find out and locate the resident of the 8th respondent.

10. The matter came up again on 12.08.2024, wherein, this Court had sought the help of State legal Services Authority at Odisha and placed a request to the Member Secretary to contact the District Legal Service Authority at Badrak District and depute a paralegal volunteer to go over to the specific residence of the 8th respondent and enquire into the issue. An order to that effect was passed on 12.08.2024 and we would record the same, again in its entirety:

“The Habeas Corpus Petition has been filed by the father of a minor girl, who was born on 16.10.2006. The 8th respondent is a resident of Odanga Village at Bhadrak District in Odisha State.

2. The petitioner suspected that his daughter would have gone away with him. A status report had been filed by the Inspector of Police, Oddanchatram Circle in Dindigul District wherein, the steps taken to locate the young girl have been narrated.

3. As a matter of fact, the respondent police have



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gone over to Bhadrak District on 10 occasions trying to locate the young daughter of the petitioner. On one occasion, the petitioner had also accompanied them. It is stated that the daughter and the 8th respondent are probably living in Bhadrak District which is a hilly area and once they come to know about the presence of the police, they move further interior making it impossible for the respondents either to locate them or to catch them.

4. It is also stated that the Deputy Superintendent of Police (Intelligence) is also in contact with the respondents and they had also given necessary information.

5. It is clear that the young girl had taken a strong decision regarding her future. But she requires further advise and counselling. Instead of police going from here to Bhadrak District in Odisha, we will experiment getting the assistance of the State Legal Services Authority in the State of Odisha and place a request to the Member Secretary of the State Legal Service Authority who, in turn, may contact the District Legal Service Authority at Bhadrak District, and if para-legal volunteers are available in and around the village of Odanga, reach out to the family of the 8th respondent, who are residents of Odanga Village in Bhadrak District and assure them that no



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coercive steps would be taken and ensure the safety of the daughter of the petitioner herein and try to counsel them to come back to this State.

6. We are conscious that the young girl would be turning 18 years on 16.10.2024 and therefore, if she is to take a decision, she may take it with the blessings of the petitioner and elders in the family, after she completes the age of 18 years i.e., on 16.10.2024.

7. List the matter again on 10.09.2024.

8. We place on record our deep appreciation for the efforts taken by Mr.D.Thangaraj, Inspector of Police, Oddanchatram Police Station, Dindigul District, who had, taking into consideration the seriousness of the entire issue and the fact that a minor girl had gone away to Odisha, taken strenuous efforts at his own expenses to go over to Odanga Village in Bhadrak District, Odisha, nearly about 10 times and had spent nearly about Rs.2,00,000/- from his own pocket. He also stayed there for 20 days in that District trying to get information about that young girl. The efforts taken are deeply appreciated.”

11. A copy of the order was marked to the Member Secretary, State Legal Services Authority at Odisha and a copy of the petition in H.C.P(MD)No.332 of 2024 was also served on them.



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12. Thereafter, the matter came up on 10.09.2024 and again on 18.09.2024 and a report had been placed before this Court by the District Legal Services Authority at Bhadrak dated 06.09.2024. The report is extracted in its entirety.

“With reference to the subject cited above and in obedience to the direction of the Hon'ble Madurai Bench of Madras High Court in HCP (MD) No. 332 of 2024 (Karuppaiah V. The S.P of Dindigul District & Others), a para legal volunteer of DLSA, Bhadrak namely Smt. Kamala Mishra resident of Kadabaranga, P.S- Agarapada, Bhadrak was deputed to reach out the family of the 8 respondent, who are residents of Odanga Village under Agarpada Police Station of Bhadrak District. The PLV is residing at distance of nearby 6. K.M from the village of Odonga. As per the report filed on dated. 5.9.2024, she visited the house of Parshurama Jena Rajesh (8 respondent) in the evening at 7.30 P.M. & disclosed her identity as PLV. On reaching there, she met the mother namely Ahalya Jena and brother namely Prafulla Jena She first inquired regarding the whereabouts of her son namely Parshuram Jena, wherein she could ascertained that 6 months ago, his son had come to the house along with the victim and on the same day



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they also went away from the house somewhere since the family members disagreed to keep the victim girl in their house. Presently they are not in contact with their son (8% respondent) as ascertained by the PLV. The PLV sensitized them that the main concern is the safety of the victim girl & that no coercive steps would be taken against their son (8% respondent). During counselling the PLV asked the family members to contact him (8" respondent) and if he comes back. she being the PLV will co-operate with them in every manner. She also made sure that no adverse action will be taken on their return. However she ascertained that within 7 days they will try to contact & call them to the village Odanga.

As per report dated. 6.9.2024, she again visited village Odanga in the morning & there she interacted with the neighbourers of Parshuram Jena. The neighbourers stated that, taking the assistance of one of the villager namely Ramesh jena (Mob-7438920100) & elder brother namely Prafulla jena (Mob-8455910768), the 8th respondent is staying at Kolkata. The 8th Respondent is in regular touch with both of them over telephone, and if the above two call details are traced out then, the victim could be rescued from Kolkata easily.

I am submitting the action taken report along



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with the copy of Report submitted by PLV namely Smt. Kamala Mishra as on dated: 5.9.2024 & 6.9.2024 for onward submission of the same to the Hon'ble Madurai Bench of Madras High Court.”

13. This report was forwarded to the Member Secretary, State Legal Services Authority at Odisha and the Member Secretary, State Legal Services Authority had, in turn, forwarded that to the Assistant Registrar of this Court.

14. It is thus seen that the strenuous efforts had been taken by all concerned to locate the daughter of the petitioner herein. Additionally, the Inspector of Police, Oddanchatram Circle, Dindigul District, had filed a status report dated 21.10.2024, in which in paragraph Nos.18, 19 and 20, it had been stated as follows :

“18. In this case, as the missing girl Muthuselvi will completed 18 age on 18.10.2024 in to produce the girl Muthuselvi in the Hon'ble court, One of the informer Rajendran resident of Olanga village cell no 8073947301 is near Odanga village of the house of near suspect Parashuramjana. Arrangements were made to inform in Parashuramjana's house through



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the person and arrangements were made to inform the people who needed it on the phone and present the information that there was no one Parashuramjana's house. Also on 13.10.2024, after contacting the sub Inspector of Agarbhada police Station Ms. Sinkhta cell 7077582217, She said that based on the information received that their family members are in Nandika area of Orissa and inquired about 2 weeks ago and found no information and they are continuing to investigate with informers and will inform if available Muthuselvi and Parashuramjana.

19. On 15.10.2024, when I contacted Mr. Amitkumar Bhuvan, Police Inspector of Agarbada Police Station, Orissa state, he said that he has now transferred to Bhadrak Town Police Station and Mr. SriKanth is currently the Inspector in charge of Agarbhada Police Station. Based on the above information, Agarbhada Police Station Officer in Charge Sub Inspector Mr. Srikanth cell 9438551220 informed the details and Oddanchatram Police Station Special Sub Inspector Mr. Pandi sent all the details related to the case through whatsapp from his cell no 6383185193 in my immediate order basis. Arrangements have been made to inform the attached Parashuramjana and his dependents, in the steps taken so far, all steps have been taken to produce the



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missing girl Muthuselvi in the Honorable court. Based on information of Agar Bhada Police officers and informers.

20. It is submitted that the investigation of the case is progress and arduous steps are taken by the specis teams to trace out the missing girl and her whereabouts in north states are not known despite sustained efforts. Further we hope that within a short span of time, we will secure the petitioner's daughter with the help of Agarbada police, Bhadrak district, Orissa State and she will be produced before this Hon'ble Court without any further delay.”

15. It is seen on facts that the daughter of the detenu had attained the age of majority on 16.10.2024. She has now attained the legal age when she can take a decision about the future of her life.

16. We hope that she would now surface and have more confidence to appear before the petitioner/her own father. In the report dated 06.09.2024, a one page letter written by the paralegal volunteer, who had gone over to the residence of the 8th respondent had also been enclosed. The copies had also given to the learned counsel for the petitioner.



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17. It is informed by the learned Additional Public Prosecutor that every step taken by the respondent police had been continuously informed to the petitioner and that the petitioner is aware about the steps taken to secure her daughter. The onus is now on the petitioner to contact his daughter, since she has now attained the age of majority and if any further information is received to forward that particular information to the respondent Police. The respondent Police may also proceed in manner known to law, with respect to the FIR already registered.

18. Keeping the Habeas Corpus Petition pending would be of no avail and therefore, we would close the Habeas Corpus Petition, however, giving liberty to all concerned to move any appropriate Court in manner known to law, if required.

19. We would only reiterate our words of appreciation which had already been expressed for the members of the team of the respondent Police who had gone over to Bhadrak District in Odisha seeking to secure the daughter of the petitioner. But she has proved to be



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very elusive and the place was also a very remote place and high up in the hills and with the language also being a major issue, the respondent Police have done the best that they could do, taking into consideration the difficult situation in which they had been put to.

20. Accordingly, the Habeas Corpus Petition stands closed.

However, giving liberty to all concerned to move any appropriate Court in manner known to law, if required.

(C.V.K., J.) (R.P., J.)
21.10.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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1. The Superintendent of Police,
Dindigul District.
Dindigul.
2. The Deputy Superintendent of Police,
Oddanchatram Division
Oddanchatram
Dindigul District.
3. The Inspector of Police,
Oddanchatram Police Station,
Oddanchatram
Dindigul District.
4. The Sub Inspector of Police,
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Oddanchatram
Dindigul District.
5. The Superintendent of Police,
Bhadrak District.
Bhadrak
State of Odisha.
6. The Inspector of Police,
Agarpada Police Station
Agarpada
Bhadrak District.
State of Odisha.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
R.POORNIMA, J.

RM

ORDER MADE IN
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