



H.C.P.(MD) No.420 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM:

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

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K.Alagurani

... Petitioner

-VS-

1.The Superintendent of Police,
Karur District.

2.The Inspector of Police,
Town Police Station,
Karur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to direct the respondents 1 & 2 to secure and produce the body or person of petitioner's daughter namely D.Keerthi Priya, daughter of Alagurani, aged about 16 years old before this Court and handover the detenu to the petitioner.



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For Petitioner :Mr.V.Panneer Selvam
For Respondents :Mr.A.Thiruvadi Kumar
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 to produce the alleged detenu namely D.Keerthi Priya, D/o.Alagurani, aged 16 years before this Court and handover the detenu to the petitioner.

2. This Court on 10.04.2024 has passed the following order:-

"The case of the petitioner is that her minor daughter, 'XXX' was missing on 22.03.2024 after completion of her +2 examination. Since the petitioner was unable to find out the whereabouts of her daughter, she had given a complaint to the respondent Police, based on which, a case in Crime No.212 of 2024 was registered under the caption 'girl missing'. It is her further case that the respondent Police had not taken any further action and while so, she received a message over phone that one P.Manickavasagam, S/o.Palusamy, belonging to



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Madurai had abducted her daughter. Since the respondent has not taken any action, the present Habeas Corpus Petition has been filed.

2. When the matter came up before this Court on 05.04.2024, it was submitted by the learned Additional Public Prosecutor that during the course of investigation, the minor victim girl and the said Manickavasagam were secured and that the case had been altered to one under Section 366-A IPC and under Sections 7 and 8 of the POCSO Act, 2012. The learned Additional Public Prosecutor also sought time for producing the minor victim girl before this Court, pursuant to which, the case is listed today.

3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that originally the case was registered by the second respondent for girl missing on 22.03.2024. While investigation was pending, the said Manickavasagam and the victim girl surrendered before the Karur Town Police Station on 03.04.2024 and during enquiry, it was found that it is a case of love affair and elopement. Since it was altered to a POCSO case, the case was transferred to the file of the Inspector of Police, All Women Police Station, Karur. The Inspector of Police, All Women Police Station, Karur had admitted the victim girl in the Government Hospital on the next day on 04.04.2024 in Room No.413 (women's ward) with police escort. During such time, medical examination has been done on the victim girl and after completion of



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WEB COPY medical examination, she was brought back to the Police Station yesterday and she has been produced before this Court today.

4. The learned Additional Public Prosecutor would further submit that the statement under Section 164 Cr.P.C. has to be obtained from the victim girl. He would submit that the girl has expressed her willingness to go along with her parents. He would also submit that a Special Bench is constituted by this Court to deal with the POCSO cases.

5. The minor victim girl has been produced before this Court today. We enquired the victim girl and the victim girl expressed her desire to go along with her parents. Thereby, the custody of the minor victim girl is handed over to the petitioner and her husband Karupaiah, who are present before this Court today.

6. This Court wants to find out whether the procedure adopted by the respondent Police in accommodating the victim minor girl in One Stop Centre, is in accordance with the Juvenile Justice (Care and Protection of Children) Act, 2015, the POCSO Act and the Rules framed thereunder. Further, we also find that the accused has not been arrested citing the circulars of the Director General of Police, which also requires consideration. Thereby, the second respondent, namely, the Inspector of Police, Karur Town Police Station and the Inspector of Police, All Women Police Station, Karur are directed to file a report in this regard."



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3. The learned Additional Public Prosecutor appearing for the respondents would submit that in POCSO cases concerning love affair between youngsters, the issue is being heard by the Special Bench constituted for monitoring the implementation of POCSO Act 2012 and Juvenile Justice (Care and Protection) Act 2015 on the Judicial side at the Principal Seat.

4. Since the issue is being heard by a Special Bench, we feel that no further orders are necessary in this case.

5. Accordingly, this habeas corpus petition is closed.

[A.D.J.C., J.] [K.R.S., J.]
10.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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



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A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

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