



H.C.P.(MD).No.424 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.04.2024

CORAM

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

H.C.P.(MD).No.424 of 2024

S.Kalipandi

.. Petitioner / Father of the Detenue

Vs.

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

2.The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.

3.Sudalai Suresh

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the detenue namely Minor 'XXX', D/o.Kalipandi aged about 17 years before this Court and hand over custody of his daughter to the petitioner herein.



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For Petitioner : Mr.M.Perumal
For R-1 & R-2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The Habeas Corpus Petition is filed by the father of the alleged detainee seeking production of his minor daughter before this Court.

2. The case of the petitioner is that his minor daughter 'xxx', aged about 17 years, was found missing on 23.03.2024 and based on the complaint of his mother-in-law, a case in Crime No.60 of 2024 was registered by the second respondent Police for girl missing. Later, when the petitioner enquired, he came to know that the third respondent has abducted his daughter. Since no action has been taken by the respondent Police, the petitioner has filed this Habeas Corpus Petition.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondent Police would



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submit that based on the complaint given by the petitioner's mother-in-law, a case in Crime No.60 of 2024 was registered under the caption “girl missing”. He would submit that during the course of investigation, it came to light that the minor victim girl was abducted by the third respondent. While so, the alleged detainee had appeared before the second respondent Police Station on 04.04.2024 and her statement has been recorded and based on the statement, the offence has now been altered to one under Sections 9, 10 of Prohibition of Child Marriage Act, 2006 and 5(l)(n) r/w 6 of POCSO Act, 2012. He would further submit that now the case has been transferred to the file of the Inspector of Police, All Women Police Station, Kovilpatti. He would also submit that since the detainee is in transit, the respondent Police is taking steps to produce her before the Child Welfare Committee, Thoothukudi District and proceedings would be initiated in accordance with law.

4. In view of the above submission, the second respondent is directed to produce the victim minor girl before the Child Welfare Committee, Thoothukudi District and the petitioner is directed to approach the Child



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Welfare Committee for further relief in accordance with Chapter 6 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Accordingly, the Habeas Corpus Petition stands closed.

(A.D.J.C.,J.) (K.R.S.,J.)
15.04.2024

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
- 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.

Lm

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