



H.C.P.(MD) No.488 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM:

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

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V.Nagaraj

... Petitioner

-VS-

1.The Superintendent of Police,
Alagar Kovil Main Road,
Madurai-625 002.

2.The Inspector of Police,
Alanganallur Police Station,
Alanganallur,
Madurai District.

3.Jegan

... Respondents



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WEB CONTENT

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 secure body or the person of the detenu namely Kamatchi, D/o.V.Nagaraj, aged about 17 years produce before this Court and hand over the custody of the detenue to the petitioner.

For Petitioner : Mr.V.Muthusamundeeswaran
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 father of the detenu seeking to produce the alleged detenu namely Kamatchi, D/o.V.Nagaraj, aged about 17 years before this Court and hand over the custody of the detenue to the petitioner.

2.The case of the petitioner is that his minor daughter aged about 17 years was staying with her maternal aunty one Kalaiselvi at Kutttimeikipatti, Alanganallur for her educational purpose. She is studying B.Sc., 1st year at



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WEB CDR

Nilakkottai. on 11.04.2024 his daughter had gone to attend the temple festival held at Keelakarai along with her aunty and thereafter, she was found missing from 11.04.2024. On enquiry, the petitioner came to know that one Jegan had given torture to his daughter and had given love proposal as she opposed the same, the third respondent had kidnapped her. Based on the complaint given by the petitioner's sister-in-law, a case in Cr.No.151 of 2024 has been registered on the same day for 'girl missing', however, the respondent police have not taken any steps to find out the whereabouts of the detenu. Hence, the petitioner has filed the present petition.

3. Today, when the matter is taken up for hearing, the second respondent police has produced the detenu before this Court through R.M.Riyolin, Sub-Inspector of Police- Training attached with Alanganallur Police Station.

4. The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that based on the complaint given by the sister-in-law of the petitioner, a case in Cr.No.151 of 2024 has been registered on the



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same day for 'girl missing'. During the course of investigation, they came to know that the detenu was abducted by the third respondent and he had also performed the child marriage. The detenu and the third respondent were traced at Thirumangalam and the boy/third respondent was arrested and the detenu was secured. Based on the statement of the third respondent, the section has been altered into 366 IPC and Section 9 of Child Marriage Act. The third respondent has been remanded into judicial custody and the detenu is kept in the home and produced before this Court today.

5. He further submitted that the third respondent is involved in two cases in Cr.No.728 of 2021, on the file of the Ammaianayakanur Police Station, Dindigul District for the offences under Sections 294(b), 323, 354, 427 of IPC r/w 4 of TNPHW Act and Cr.No.569 of 2020, 293 of 2020 for the offences under Sections 188 and 269 of IPC and thereby, he has been remanded into judicial custody.

6. We enquired the detenu and she expressed her willingness to go along with the petitioner/father. In view of the above, this habeas corpus petition



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is closed. The respondent police shall proceed with the case in accordance with law. The detenu is permitted to go along with her father.

[A.D.J.C., J.] [K.R.S., J.]
22.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
am

To:

- 1.The Superintendent of Police,
Alagar Kovil Main Road,
Madurai-625 002.
- 2.The Inspector of Police,
Alanganallur Police Station,
Alanganallur,
Madurai 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.

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