



H.C.P.(MD) No.506 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM:

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

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R.Alagunachiammal

... Petitioner

-VS-

1.The Superintendent of Police,
Office of Superintendent of Police,
Madurai District.

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

3.The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.

4.R.Parveen Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the second and third respondents to produce



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person or body of the petitioner's daughter namely Lakshmi, D/o.Late Rajendran, aged about 15 years old, before this Court and handover the custody to the petitioner.

For Petitioner :Mr.A.Arun Ayyanar
For R1 to R3 :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 mother of the detenu seeking to produce the alleged detenu namely Lakshmi, D/o.Late Rajendran, aged about 15 years old, before this Court and handover the custody to the petitioner.

2. The case of the petitioner is that her younger minor daughter namely Lakshmi aged about 15 years was kidnapped by the fourth respondent and that she had given a complaint to the first respondent on 12.04.2024 and the first respondent had instructed the petitioner to approach the second respondent. On the instruction of the first respondent, the petitioner had approached the second respondent and lodged a complaint. But, the second respondent has returned the



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complaint asking the petitioner to produce the relevant records with regard to the missing of her daughter and she once again approached the second respondent on 14.04.2024 and lodged a complaint, who in turn directed her to approach the third respondent to seek remedy for missing girl. Since no further action had been taken by the respondents 1 to 3 with regard to the whereabouts of the missing girl, she has filed the present Habeas Corpus Petition before this Court.

3. Today when the matter was taken up in the morning, the petitioner and her counsel were present. The learned Additional Public Prosecutor appearing for the respondents informed that the detenu had been secured and that she would be produced before the Court around noon. When the matter was taken up at 12.00 noon, the respondent police had produced the alleged detenu, we enquired her and on enquiry, she submitted that she is aged about 15 years and that the fourth respondent is known to her and he has gone along with him to Alagarkovil on 10.04.2024 and later, the fourth respondent had dropped her at his friends house at Valasai and from there she returned home on the same day. Since she had gone out of the home without informing her mother, her reprimanded her and had asked her to go out of the house and thereby, she had gone to her friends



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Muneeswari house and stayed with her for two days and returned back to her home. She further submitted that her mother once again reprimanded her and had dropped her at the fourth respondent house and the fourth respondent had produced her before the police station and thereafter, the third respondent police had called the Child Helpline No.1098 and that now, she is being kept at the Government Vidiyal home at Muthupatti.

4. We also enquired the petitioner. The petitioner submitted that her daughter was found missing on 10.04.2024 and despite her complaint given to the respondents 1 to 3, she was made to run between pillar to post and ultimately on 14.04.2024 she had given a detailed complaint to the third respondent, whereas, the third respondent instead of registering the case had conducted an enquiry in C.S.R.No.309/2024. She further submitted that the fourth respondent had abducted her daughter and kept her in confinement in his friends house for two days and subjected her daughter to sexual assault and the parents of the fourth respondent have also supported him and thereafter, had threatened and compelled her to take care of her daughter back. She would further submit that despite her complaint to the respondents 1,2 &3, no action has been taken against the fourth



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respondent and thereby, she had approached this Court. She further stated that the respondent police are compelling her to take the child and they are refusing to take action against the fourth respondent and his family members. She would further submit that the child had not been sent for medical examination.

5. When we enquired the learned Additional Public Prosecutor, he submitted that based on the complaint given by the petitioner, enquiry had been conducted in CSR stage and he produced the files.

6. We perused the files and we find that all is not well in the procedure adopted by the respondent police in respect of abduction of a minor girl, who is alleged to have been subjected to sexual assault. Despite the specific allegations made by the petitioner, the respondent police has not proceeded in accordance with law and they have adopted their own procedure in the matter relating to the abduction of a minor girl, who has been subjected to sexual offence.

7. We enquired the alleged detenu. She expressed her willingness to



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go along with her mother, however, her mother/petitioner herein refused to take the custody of the child stating that though her daughter had been subjected to sexual assault and the respondents are not taking proper action on the pressure of the parents of the fourth respondent and they are evading to take further action and compelling her to take her daughter to her house.

8. As stated above, we find that the third respondent is not adopting the proper procedure despite the insistence of the petitioner/mother to take proper action and her refusal to take back the child. The third respondent, without producing the child before the Child Welfare Committee and conducting the investigation in accordance with law, is avoiding to do so. The practice adopted is highly condemnable.

9. In view of the above, we direct the third respondent to register the case in accordance with law and produce the detenu before the Child Welfare Committee and continue with the investigation subjecting the detenu to medical examination. The orders regarding the custody of the child shall be passed by the Child Welfare Committee, Madurai in accordance with law.



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10. In view of the above, this habeas corpus petition is closed.

[A.D.J.C., J.] [K.R.S., J.]
24.04.2024

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

- 1.The Superintendent of Police,
Office of Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 3.The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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AND
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