



H.C.P.(MD).No.532 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.06.2024

CORAM

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

H.C.P.(MD).No.532 of 2024

Muruganantham

.. Petitioner / Father of Detenue

Vs.

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

2.The Inspector of Police,
Palani Town Police Station,
Dindigul District.

3.M.Rahul Vikram

.. 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 'xxx', D/o.Muruganantham, aged about 17 years, minor daughter of the petitioner before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.S.Sarvagan Prabhu

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



H.C.P.(MD).No.532 of 2024

ORDER

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

The Habeas Corpus Petition is filed by the father seeking to produce the body or person of his minor daughter, 'xxx', aged about 17 years before this Court.

2. When the Habeas Corpus Petition came up for admission on 30.04.2024, the learned Additional Public Prosecutor took notice for the official respondents and sought time to get instructions, thereby, the matter was adjourned.

3. It is the case of the petitioner that his minor daughter 'xxx', born on 03.06.2006, was studying B.A. English 1st year in APA College, Chinakalaimuthur, Palani and that his daughter, who had gone to college on 22.04.2024, did not return home. After due search, her whereabouts were not known. It is his further case that he had approached the second respondent and preferred a complaint, based on which, a case in Crime No.261 of 2024 was registered under the caption “girl missing”.



H.C.P.(MD).No.532 of 2024

Subsequently, during enquiry, he came to know that the third respondent had kidnapped his daughter and kept her in illegal detention. Since the respondent Police had not taken any steps to secure his daughter, he had approached this Court by filing the Habeas Corpus Petition.

4. When the matter was taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondent Police submitted that the victim girl, after hearing about the registration of the case, had returned home and she was produced before the Police Station by her mother on the night hours on 30.04.2024. Since it was late in the night, the victim was lodged in a shelter home and that on the next day, enquiry was conducted by a woman S.I. of Police and during such time, the victim girl had revealed that she fell in love with the third respondent, M.Rahul Vickram, who is aged about 19 years and that since her parents had arranged for marriage against her will, she eloped with him and they had stayed in Kerala. She had also revealed that she had sexual intercourse with the third respondent. After recording the statement, the girl was produced before the Child Welfare Committee, Dindigul District and the Child Welfare Committee, after following the procedures, had passed an order on



H.C.P.(MD).No.532 of 2024

07.05.2024 handing over the custody of the minor girl to her parents. He would also submit that the case was transferred to the file of M/s.A.Selvi, Inspector of Police, All Women Police Station, Palani for investigation, who has arrested and remanded the third respondent, who is aged about 19 years. Now that since the Habeas Corpus Petition is pending, the girl is produced before this Court today.

5. We enquired the victim girl. She submitted that as on date, she has attained majority and she expressed her willingness to go along with her parents. She would also submit that she was in love with the third respondent and that she had on her own volition eloped with the third respondent, who is aged about 19 years. However, since the victim girl expressed her willingness to go along with her parents, she is permitted to go along with her parents.

6. We find that it is a case of love affair between two youngsters. The victim girl, at the time of elopement, was at the verge of attaining majority and as on date, she has also attained majority. The third respondent is aged about 19 years, who is also said to be a student studying 1st year



H.C.P.(MD).No.532 of 2024

Undergraduation. Strangely, in this case, despite the instructions given by the Director General of Police in his Circular in RC No.0094641/Crime 4(3)2022 dated 30.04.2023 and despite finding that it is a case of love affair, the third respondent has been arrested and thereafter, remanded to judicial custody. We also find that the said instructions of the Director General of Police had been issued based on the advisory of the Juvenile Justice Committee and the POCSO Committee of this Hon'ble Court. On perusal of the CD file, we find that the instructions have been violated and the third respondent has been arrested in haste for obvious reasons. Therefore, we direct the Director General of Police to ensure that the instructions under the Circular are scrupulously followed and appropriate action is taken against the Officer, who has arrested and remanded the third respondent, who is only aged about 19 years.

7. With the above observations, the Habeas Corpus Petition stands closed.

(A.D.J.C.,J.) (K.R.S.,J.)
05.06.2024

NCC : Yes / No
Index : Yes / No
Lm



H.C.P.(MD).No.532 of 2024

WEB COPY

To

- 1.The Superintendent of Police,
Palani Taluk,
Dindigul District.
- 2.The Inspector of Police,
Palani Town Police Station,
Dindigul District.
- 3.The Director General of Police,
Mylapore,
Chennai – 600 004.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



H.C.P.(MD).No.532 of 2024

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

Lm

H.C.P.(MD).No.532 of 2024

05.06.2024