



H.C.P.(MD) No.657 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

CORAM:

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

H.C.P.(MD) No.657 of 2024

Laila

... Petitioner

-VS-

1.The Superintendent of Police
Kanyakumari District
Nagercoil

2.The Inspector of Police
Karungal Police Station
Kanyakumari District
Nagercoil

3.Mubees Naveen

... 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 person or body of the detenu XXXX, aged 17 years, before this Court and handover her custody to the petitioner.



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For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor for R1 & R2

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner has filed this habeas corpus petition seeking a direction to the respondents 1 and 2 to secure her daughter XXXX, aged 17 years, produce her before this Court and set her at liberty.

2. It is the case of the petitioner, that the third respondent has kidnapped her daughter XXXX and he has kept her in his illegal custody. Though she searched for her daughter, she could not trace her whereabouts. Hence, she lodged a complaint before the respondent – Police. Though a case in Crime No.123 of 2024 came to be registered for “Girl Missing”, no effective steps were taken by the respondent – Police to trace the whereabouts the petitioner's daughter. Hence, this habeas corpus petition.



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3. Learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, submitted that based on the complaint given by the petitioner a case in Crime No.123 of 2024 was registered for girl missing. The detenue and the third respondent were in love with each other. On 21.05.2024, she went to Chennai to see the third respondent, where he is working. However, on coming to know about lodging of a complaint by the petitioner, she returned back to home and is now with the petitioner. Thereafter, the petitioner informed same to the respondent – Police and based on statement of the detenue, the case was altered from one girl missing to one Section 366 I.P.C., and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

4. In view of the fact that the detenue has returned back to home, no further adjudication is required in this habeas corpus petition and the same is, therefore, closed.

[A.D.J.C., J.]

[K.R.S., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Kanyakumari District,
Nagercoil.
- 2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District,
Nagercoil.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
K.RAJASEKAR, J.

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