



H.C.P.(MD) No.690 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM:

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

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Suresh

... Petitioner

-VS-

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
M.Chattirapatti Police Station,
Madurai District.

3.Anish

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 & 2 to produce the body or person of the detenu namely Praveena, D/o.Suresh, aged about 16 years before this Court and hand over the custody to the petitioner.



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For Petitioner

:Mr.D.S.Haroon Rasheed

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 Praveena, D/o.Suresh, aged about 16 years before this Court and hand over the custody to the petitioner.

2. The case of the petitioner is that the alleged detenu has completed 11th standard and on 01.06.2024 at evening hours she was found missing. He searched in and around the village and could not find her. Thereafter, he came to know that the third respondent, who also belongs to the same village was also found missing and the relative of the third respondent also known about this incident. When he had enquired about his daughter to the parents of the third respondent, they refused to divulge information and had given an evasive reply. Therefore, the petitioner has lodged a complaint before the second respondent police on 01.06.2024 and the case also registered in Cr.No.59/2024 under 'girl missing'.



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3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that based on the complaint given by the petitioner, a case in Cr.No.59 of 2024 has been registered under "Girl Missing". During the course of investigation, it came to light that the third respondent had kidnapped the detenu and they were traced near Anaikatti, Coimbatore District and the girl was produced before the Child Welfare Committee. He further submitted that during the course of the investigation, it came to light that the girl was sexually abused by the third respondent and therefore, the sections were altered into 5(l), 6 of POCSO Act r/w 9 of Child Marriage Act. Now, the case is to be transferred to All Women Police Station, M.Sathirapatti for further investigation.

4. Today, the respondent police has produced the detenu and the third respondent before this Court. We enquired the detenu. She expressed her willingness to go along her parents and based on her willingness, she is handed over to her parents. The parents agree to take her daughter along with them and also undertook to co-operate with the respondent for the investigation.



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5. Accordingly, this habeas corpus petition is closed. The second respondent is directed to proceed in accordance with law.

[A.D.J.C., J.] [K.R.S., J.]
18.06.2024

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

To:

- 1.The Superintendent of Police,
Madurai District.
- 2.The Inspector of Police,
M.Chattirapatti Police Station,
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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