



H.C.P.(MD) No.807 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM:

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

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Narmatha

... Petitioner

-VS-

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

2.The Inspector of Police
Vilampatti Police Station
Dindigul District

3.Poovendiran

... 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 petitioner's daughter XXXX, aged about 17 years, daughter of Chinnasamy, before this Court and handover the minor daughter XXXX to the petitioner custody.



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For Petitioner : Mr.S.Lawrence Vimal Raj

For Respondents : Mr.R.Meenakshi Sundaram
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 about 17 years, produce her before this Court and set her at liberty.

2. It is the case of the petitioner her daughter XXXX is aged about 17 years and that the third respondent, who is a close relative, had illegally abducted her daughter on 31.03.2024 in his two-wheeler. The petitioner had lodged a complaint before the respondent – Police to secure her daughter from the illegal custody of the third respondent. Based on the said complaint, the respondent – Police had secured the petitioner's minor daughter on 03.04.2024 and registered a case in Crime No.88 of 2024, under Section 366 I.P.C., and Section 5(n), 5(l) 6 and 9 of the Protection of Children from Sexual Offences Act, 2012. Subsequently, the respondent – Police had not taken any action against the third respondent and failed to secure the third respondent and the vehicle used by him for kidnapping the petitioner's daughter.



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Thereafter, the respondent – Police had filed a charge sheet before the Special Court for POCSO Act Cases, Dindigul, on 10.05.2024. While the earlier case was pending, the third respondent had once again kidnapped the petitioner's daughter on 18.06.2024. The petitioner had again preferred a complaint to the first respondent – Police on 28.06.2024. However, the respondents have not taken any steps to secure the missing girl, aged about 17 years, thereby, the petitioner has filed the present habeas corpus petition.

3. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor, who takes notice for the respondents 1 and 2, on instructions, would submit that this is the second occurrence. Earlier, the petitioner's minor daughter was kidnapped by the third respondent and based on the complaint given by the petitioner, a case in Crime No.88 of 2024 was registered, for the offence under Section 388 I.P.C., and Sections 5(n), 5(l), 6 and 9 of the Protection of Children from Sexual Offences Act, 2012. After completion of investigation, the respondent – Police have filed a final report before the Special Court for POCSO Act cases, Dindigul, and a case has been taken up before the Special Court. While so, the missing girl has once again been kidnapped by the third respondent. Based on the complaint given by the petitioner, the alleged missing girl and the third respondent had been traced



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at Gudiyatham at Vellore District and during enquiry, the alleged missing girl had stated that the third respondent is her relative and they are having love affair for about three years. She had further stated that since her parents nagged her for having love affair with the third respondent, she had gone once again with him and refused to go along with her parents. After recording the statement of the alleged missing girl, she was produced before the Child Welfare Committee at Dindigul District.

4. Taking into consideration the facts and circumstances of the case that the alleged missing girl has once again gone along with the third respondent, refused to go along with her parents and has been produced before the Child Welfare Committee, this habeas corpus petition is closed with liberty to the petitioner to approach the Child Welfare Committee, Dindigul District, seeking appropriate orders.

[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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To:

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul, Dindigul District.
- 2.The Inspector of Police,
Vilampatti Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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