



H.C.P.(MD) No.888 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM:

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

H.C.P.(MD) No.888 of 2024

G.Jeyachandran

... Petitioner

-VS-

- 1.The Superintendent of Police
Kanyakumari District at Nagercoil
- 2.The Inspector of Police
All Women Police Station
Kanyakumari, Kanyakumari District
(FIR No.17/2024)
- 3.Sanjay
- 4.Easther Bai

... 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 petitioner's younger daughter XXXX, daughter of G.Jeyachandran, detenu aged 16 years, from the illegal custody of the respondents 3 and 4 before this Court and handover custody to the petitioner.



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For Petitioner : Mr.P.Manoharan

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 & 2 to secure his daughter XXXX, aged about 16 years, produce her before this Court and set her at liberty.

2. It is the case of the petitioner that his minor daughter XXXX was studying higher secondary course in Stella's Matriculation Higher Secondary School, Anjugramam, Kanyakumari District. On 21.06.2024, when she came from School at 06.00 p.m., she went to attend nature's call. But, she did not return back and was found missing. While searching for her, he came to know that the third respondent had kidnapped his daughter. Therefore, he lodged a complaint before respondent – Police and though a case in Crime No.17 of 2024 came to be registered for girl missing, no action was taken thereafter. Hence, this habeas corpus petition.



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3. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that the alleged missing girl XXXX is the minor daughter of the petitioner. She is aged 15 years. The petitioner's daughter and the third respondent were having love affair. On the earlier occasion i.e. on 16.12.2022, she had gone along with the third respondent and during such time, based on the complaint given by the petitioner a case in Crime No.37 of 2022 was registered by the second respondent – Police for the offence under Section 366 I.P.C., and later, during investigation, the missing girl was secured and thereafter, the case was altered into one under Sections 366, 341, 376(3) I.P.C., and Sections 11(1), 11(4), 12, 5(l) and 6 of the Protection of Child from Sexual Offences Act, 2012 and the third respondent was remanded to judicial custody and charge sheet was also filed. Now, the third respondent has given a complaint alleging that the third respondent has kidnapped his daughter again. Based on the said complaint, the second respondent – Police has registered a case in Crime No.17 of 2024 for girl missing. The respondent – Police are taking every steps to secure the alleged missing girl and the third respondent and as and when they are secured or their whereabouts is located, appropriate action will be taken and the alleged missing girl will be produced before the Child Welfare Committee, Kanyakumari District.



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4. Recording the above submission of the learned Additional Public Prosecutor, this habeas corpus petition is closed.

[A.D.J.C., J.] [K.R.S., J.]
24.07.2024

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

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To:

- 1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.
- 2.The Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
K.RAJASEKAR, J.

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