



H.C.P.(MD) No.991 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

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R.Ilangovan

... Petitioner

-VS-

1. The Superintendent of Police,
Thanjavur District.

2. The Inspector of Police,
Melattur Police Station,
Thanjavur District.

3. Balamurugan

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to produce the body or the person of the detenue, XX, D/o.R.Ilangovan, aged 15 years, handover the custody to the petitioner from the illegal custody of the third respondent herein, by considering petitioner's



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representation dated 05.08.2024.

For Petitioner : Ms.A.Arul Jenifer

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1 and R2

ORDER

The daughter of the petitioner had been secured. It is the case of the petitioner that his daughter, whom we will refer as 'XX', aged about 15 years, had been enticed by the third respondent to leave her house. A complaint had been lodged by the petitioner on 05.08.2024 stating that his daughter XX has gone missing from 29.07.2024 at 10.00 p.m. onwards.

2. Mr.T.Senthil Kumar, learned Additional Public Prosecutor states that the third respondent is already an accused in SSC No.35 of 2022 for charges under Section 366 IPC read with Sections 5(1), 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i), 3(2)(v) of the Scheduled Caste and Scheduled Tribes [PoA] Act, 1989, by All Women Police Station, Papanasam on 26.11.2021. He had been granted bail in the said offence and while on bail, he had enticed the XX, who is the minor child on 29.07.2024. It must also



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be pointed out that however, after trial, that Sessions Case had ended in acquittal, primarily owing to the witnesses including the victim child turning hostile during trial.

3. It is now stated that there are witnesses who had seen XX going in a motorcycle along with the third respondent. On a complaint given by the petitioner herein, FIR in Crime No.394 of 2024 had been registered under 'girl missing' on 31.07.2024.

4. The learned Additional Public Prosecutor stated that the offence of 'girl missing' has now been altered to Section 96 of Bharatiya Nyaya Sanhita (BNS), 3(a) 4(2), 5(I) 6 of the Protection of Children from Sexual Offences Act, 2012 and the third respondent had been secured and remanded to custody on 21.08.2024 by the Special Court for Exclusive Trial of the cases under POCSO Act.

5. We had an interaction with the petitioner herein. He had been enlightened about the conduct and antecedents of the third respondent. The young



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child XX has also been informed about the antecedents. We appreciate the stand taken by Mr.Senthil Kumar, learned Additional Public Prosecutor, who informed us that she can continue her studies in X Std. By staying in Annai Sathya Mahalir Kappagam at Thanjavur, and that necessary inquiry had been made and she can be admitted to P.V.Selvaraj Higher Secondary School, Gandhi Nagar, Thanjavur.

6. Let the young child XX be admitted to the particular School and stay at Annai Sathya Mahalir Kappagam, Thanjavur, till atleast she completes her X Std. She is a bright student and therefore, she must be sensitized that education is important. Since the young child XX has been now secured and arrangements have been made for continuation of her studies and for her residence in Annai Sathya Mahalir Kappagam, Thanjavur, this Habeas Corpus Petition stands closed.

[C.V.K., J.] [J.S.N.P., J.]

22.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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Thanjavur District.
2. The Inspector of Police,
Melattur Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
J.SATHYA NARAYANA PRASAD, J.

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