



H.C.P(MD)No.1039 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

H.C.P.(MD) No.1039 of 2024

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... Petitioner / mother of the detenu

Vs.

1. The Superintendent of Police,
Theni District,
Theni.

2. The Inspector of Police,
Chinnamanur Police Station,
Chinnamanur,
Theni District.

3.Kumaran

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issue of a Writ of Habeas Corpus, directing the
Respondents 1 and 2 to produce the person or body of the petitioner's



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minor daughter namely, Mareeswari, D/o.Veeraiya, aged about 17 years, before this Court and hand over the custody to the petitioner forthwith.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.T.Senthil Kumar (for R1 & R2)
Additional Public Prosecutor

ORDER

The Habeas Corpus Petition has been filed by the mother of the young girl aged about 17 years complaining that her daughter has been missing.

2. It is stated that the third respondent, Kumaran, who is a resident of Idukki District in Kerala State had enticed the daughter of the petitioner. This is not the first occasion. On the earlier occasion, a complaint had been lodged and FIR in Crime No.170 of 2024 had been registered, originally under the caption “girl missing” and later altered to offence punishable under Section 7 and 8 of POCSO Act. A final report has been filed before the jurisdictional Court. As a second occasion, the third respondent had again enticed the daughter of the petitioner to go with him to Kerala.



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3. The respondents 1 and 2 have secured the minor child and produced her before us. She affirmed that she is less than 18 years and would cross the age of 18 years only in April 2025. She was born on 15.04.2007. She had completed her +2 and not studied any further. She had been advised to pursue her education.

4. The petitioner is also present. She had stated that the third respondent had enticed her daughter, when the daughter was in school and even before she could come of any impressionable age to find out what is good and what is bad for her. The petitioner stated that she would provide education for her daughter.

5. Since the respondents 1 and 2 have secured the young girl of the petitioner, no further orders are required in this Habeas Corpus Petition. The minor girl had been handed over to the petitioner and the minor girl also stated that she would stay with her mother / petitioner.

6. With respect to this second incident, FIR in Crime No.275 of 2024 had been registered under the caption “Girl Missing”. The learned Additional Public Prosecutor states that investigation is ongoing.



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The third respondent had been remanded to judicial custody and section was altered to 87 of Bharatiya Nagarik Suraksha Sanhita, 2023 and 5(l) and 6 of POCSO Act.

7. Accordingly, Habeas Corpus Petition stands closed.

(C.V.K., J.) (J.S.N.P., J.)
18.09.2024

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

RM



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1. The Superintendent of Police,
Theni District,
Theni.
2. The Inspector of Police,
Chinnamanur Police Station,
Chinnamanur,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.
AND
J.SATHYA NARAYANA PRASAD, J.

RM

ORDER MADE IN
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18.09.2024