



H.C.P(MD)No.1126 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD) No.1126 of 2024

Muniyasamy

...Petitioner /father of the detenu

Vs.

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

2. The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

3.Vendiyaperumal

4.Premkumar

... Respondents



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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 body or person of the detenu, namely, Minor Thangeswari, aged about 16 years, D/o.Muniysamy, before this Court and hand over her custody to the petitioner.

For Petitioner : Mr.M.Pandian

For Respondents : Mr.T.Senthil Kumar – for R1 & R2

Additional Public Prosecutor

ORDER

The Habeas Corpus Petition has been filed by a father seeking to produce his minor daughter, aged about 16 years, whom he suspected had been taken away by the respondents 3 and 4.

2. The matter had come up earlier also and notice had been directed to the respondents 3 and 4. There was a representation by a counsel on behalf of the fourth respondent. But the records do not indicate if any counsel having filed vakalat.



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3. At any rate, today, the minor girl had been produced before us. She stated that she had been enticed away by the respondents 3 and 4 and kept in confinement and was also not treated properly. Finally, she had been secured by the respondents 1 and 2.

4. The petitioner and his wife/mother of the detenu are also present in Court. The detenu stated that she would go with her parents. We had a discussion with her and also with her parents.

5. We are also informed that the respondents 1 and 2 have registered FIR in Crime No.361 of 2024 now altered to Section 137 (2) of the Bharatiya Nyaya Sanhita, 2023 and Section 10 of Child Marriage Act, 2006 and Section 5(l), 6, 16 and 17 of POCSO Act. The third respondent had also been remanded to custody. The remand report had also been produced. Now the onus is on the petitioner to tender proper evidence during trial of the third respondent.

6. Since the detenu had been secured and now had been handed over to the custody of her parents, no further orders are required to be passed in this Habeas Corpus Petition.



H.C.P(MD)No.1126 of 2024

WEB COPY

7. Accordingly, this Habeas Corpus Petition stands closed.

(C.V.K., J.) (R.P., J.)
24.10.2024

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



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



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C.V.KARTHIKEYAN, J.
AND
R.POORNIMA, J.

RM

ORDER MADE IN
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24.10.2024