



WEB COPY



H.C.P.No.2104 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

H.C.P.No.2104 of 2025

J.Priya

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Gudiyatham,
Vellore District.

2.State represented by
The Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham,
Vellore District.

3.G.Chandru

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the body of the petitioner's daughter namely J.Sowmiya aged 18 years before this Court from the custody of the 3rd respondent and set her at liberty.



H.C.P.No.2104 of 2025

For Petitioner : Mr.S.Panneer Selvan
For R1 and R2 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

(Order of the Court was made by **N. SATHISH KUMAR, J.**)

This Habeas Corpus Petition has been filed to produce the body of the petitioner's daughter namely J.Sowmiya aged 18 years before this Court from the custody of the 3rd respondent and set her at liberty.

2.It is the case of the petitioner that her daughter, who according to the petitioner, has not completed 18 years of age, is under the illegal custody of the 3rd respondent. According to the petitioner, her daughter was abducted by the 3rd respondent on 11.09.2025. It is further stated that her daughter was abducted twice by the 3rd respondent due to love affairs. The petitioner gave a complaint even on earlier occasion against the same person and an FIR in Crime No.544 of 2024 for the offences under Sections 137(2), 87, 64(2)(m) BNS and 5(1) & 6 of POCSO Act, came to be registered as against the 3rd respondent. Now, once again, her daughter has ran away with the 3rd



H.C.P.No.2104 of 2025

respondent. Hence, she has come forward with the present Habeas Corpus
Petition.

3.Learned Additional Public Prosecutor would submit that, when the earlier complaint was given by the petitioner, the detenue was a minor and and therefore, a criminal case was registered against the 3rd respondent under POCSO Act and the 3rd respondent has been charge-sheeted and now, the matter is pending before the Special Court, Vellore, in S.C.No.30 of 2025. Now, this is the third attempt where the petitioner's daughter has eloped with the 3rd respondent.

4.We have perused the entire materials available on record.

5.The fact that the petitioner's daughter eloped with the 3rd respondent twice earlier, is not disputed by the petitioner herself. Of course, on the earlier occasion, the petitioner's daughter was a minor and now, it appears that she has attained majority. Now, she is 18 years of age. Once again, with one same choice, she has eloped with the 3rd respondent. Therefore, it



H.C.P.No.2104 of 2025

cannot be construed to be an illegal detention. In any event, the FIR now registered for “girl missing” in Crime No.230 of 2025 is pending. It is for the Police to investigate the matter and find the girl and produce before the concerned Magistrate Court.

6.With these observations, this Habeas Corpus Petition is disposed of.

No costs.

(N.S.K., J.) (M.J.R., J.)
23.10.2025

mkn

Internet : Yes

Index : Yes / No

Speaking Order / Nonspeaking order

Neutral Citation : Yes / No

To

1.The Deputy Superintendent of Police,
Gudiyatham,
Vellore District.

2.The Inspector of Police,
Gudiyatham Taluk Police Station,
Gudiyatham,
Vellore District.

3.The Public Prosecutor,

Page 4 of 6



High Court, Madras.

WEB COPY



H.C.P.No.2104 of 2025

N. SATHISH KUMAR, J.
and



WEB COPY



H.C.P.No.2104 of 2025

M. JOTHIRAMAN, J.

mkn

H.C.P.No.2104 of 2025

23.10.2025