



H.C.P.No.2504 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2025

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2504 of 2025

Suresh

... Petitioner

-VS-

1. The Superintendent of Police,
District Police Office,
Kallakurichi-606 213.

2. The State Rep. by
The Inspector of Police,
G-5, Kachirapalayam Police Station,
Vadakkanandal Main Road,
Kachirapalayam-606 201.

3. The State Rep. by
The Inspector of Police,
G-1, Kallakurichi Police Station,
Katcheri Road, Kallakurichi-606 202.

4. Minor Ilavarasan
Rep. by his Natural Guardian and father Mr.Raja

5. Raja

6. Devika

7. Gopika

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 & 2 to produce the



H.C.P.No.2504 of 2025

detenue, the petitioner's minor daughter Ms.S.Swetha, aged 17 years before this Court from the alleged custody of the 4th respondent and hand over to the petitioner.

For Petitioner : Mr.J.Aakash Clinton
For Respondents : Mr.A.Damodaran
Addl. Public Prosecutor
Assisted by Mr.M.Karthikeyan
Advocate

ORDER

The petitioner seeks production of her minor daughter Ms.S.Swetha, aged 17 years before this Court from the alleged custody of the 4th respondent and hand over her custody to the petitioner.

2. According to the petitioner, her daughter was pursuing BCA Degree in the Bharathiyar Arts and Science College for Women at Deviyarkurichi, Thalaivasal and she went missing from the house on 24.10.2025. The petitioner stated that she was abducted by the 4th respondent, who is also minor. Based on the complaint, a case in Crime No.370 of 2025 has been registered. Since her daughter has not been secured so far by the Police, the petitioner is before this Court.



H.C.P.No.2504 of 2025

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3. Learned Additional Public Prosecutor, on instructions, contended that this is the 4th time, when the petitioner's daughter eloped with the 4th respondent, minor. In respect of her first elopement, a case was registered in Crime No.539 of 2024 and secured. Thereafter, another case in Crime No.545 of 2025 came to be registered on 03.09.2025, when his daughter was found missing. After securing her, again she eloped with the very same minor boy / R4, in respect of which, a CSR has been filed. Now, for the 4th time, the petitioner's daughter eloped with R4 and based on the complaint of the petitioner, a case in Crime No.370 of 2025 has been registered.

4. It is seen that the petitioner's daughter is at the verge of attaining majority and she will reach the age of 18 years in the ensuing April month, as her date of birth as per Aadhar is 07.04.2008. She has habitually been eloping with R4. In such view of the matter, we are of the view that she is not in the illegal custody of anyone, much less 4th respondent. Police shall continue the investigation and secure the detainee.

