



H.C.P.(MD) No.745 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

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K.Lalitha

... Petitioner/
Mother of the Detenue

-VS-

1.The State of Tamil Nadu Represented by,
The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(In Crime No.776 of 2024)

3.Vijayakumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents to produce the corpus



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of the Detenue Kaveena, daughter of Kumar aged about 17 years from the illegal custody of the third respondent before this Court and hand over the custody to the petitioner. .

For Petitioner : Mr.V.Kannan

For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This petition is filed to direct the respondents 1 and 2 to produce the corpus of the Detenue Kaveena, daughter of Kumar aged about 17 years from the illegal custody of the third respondent before this Court and hand over the custody to the petitioner.

2.The case of the petitioner is that the missing person is the second daughter of the petitioner, who was born on 10.10.2007 and she was working at PRB Bakery situated opposite to MPTC Bus Depot at Sivagangai. On 03.11.2024,



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at about 7.15 a.m., the detenue left for work and boarded the Mini Bus from her residence area and thereafter, she went missing. Based on the complaint given by the petitioner, a case in Crime No.776 of 2024 was registered on 04.11.2024 for “Girl Missing”. During the course of investigation, it came to light that the third respondent, who is a mason and also a married man had kidnapped the minor girl. Later, the petitioner's daughter and the third respondent were secured and they were left off scot free. While so on 22.05.2025, when the petitioner's daughter was at her home, the third respondent had broke open the door of the petitioner's house and entered into the house and had taken away the minor daughter. The petitioner has given a complaint seeking for registration of the case. Since the respondent police have not taken any steps to find out the whereabouts of the minor girl, the petitioner has come up with the present Habeas Corpus Petition.

3.Earlier on 30.06.2025, when the matter came up for admission, this Court had directed the case to be listed after two weeks. Today morning, the learned Additional Public Prosecutor mentioned before this Court that the missing person has been secured and thereby, she was produced before this Court today.



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4. The learned Additional Public Prosecutor would submit that the missing person is the second daughter of the petitioner. The petitioner's daughter was earlier abducted by the third respondent, in respect of which, a case in Crime No. 776 of 2024 was registered and later, the petitioner's daughter and the third respondent were secured on 14.11.2024 at Sivagangai. Thereafter, the case in Crime No.776 of 2024, registered under "Girl Missing" was altered to Sections 137(2) of BNS, 2023 and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, and under Section 5(l) r/w 6 of the POCSO Act, 2012. The said case has been charge sheeted and it is pending trial in Spl.S.C.No.28 of 2025, on the file of the learned Mahila Court, Sivagangai. While so, on 22.05.2025, the third respondent had taken the minor girl from her home and absconded. The petitioner had given a complaint to the respondent Police on the same day, based on which, the respondent police has registered a subsequent case in Crime No.400 of 2025. During the course of the investigation, the missing person and the third respondent were secured and the third respondent was remanded in judicial custody on 15.07.2025.



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WEB COPY 5. The minor missing girl was produced before this Court by one M.Arockiyammal, Child Take Care Women Police, Sivagangai Town Police Station.

6. We enquired the missing person. She submitted that the third respondent is known to her and that since her parents had compelled her to get marry her uncle against her wishes, she had gone along with the third respondent on her own volition. She submitted that she is not interested in returning back to her home and expressed her unwillingness to go along with her mother/the petitioner herein. The petitioner/mother is also present before this Court.

7. Since the minor missing girl has expressed her unwillingness to go along with the mother, we direct the respondent police to keep the minor girl at **“Government Children Home, 48-COLony, Kurinchi Nagar, Sivagangai, Phone No.8940289344”**. The respondent police shall continue with the further investigation in Crime No.400 of 2025.



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WEB COPY 8. In view of the above, this Habeas Corpus Petition stands closed.

[A.D.J.C., J.] [R.P., J.]

16.07.2025

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy on 16.07.2025

To:

1. The State of Tamil Nadu Represented by,
The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Officer-in-charge,
Government Children Home,
48-Colony, Kurinchi Nagar,
Sivagangai.



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