



H.C.P(MD)No.1155 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2025

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P(MD)No.1155 of 2025

Mayil

... Petitioner/Mother of the detenu

Vs.

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

2.The State of Tamil Nadu,
Represented by the Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

3.The State of Tamil Nadu,
Represented by the Inspector of Police,
Erode South Police Station,
Erode District.

4.Periyasamy

... Respondents



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PRAYER:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the detenu namely Swathi, D/o.Mayil, aged 17 years, in body or person before this Court and hand over to the petitioner.

For Petitioner : Mr.S.Mukesh

For Respondents : Mr.R.M.Anbunithi (R1 to R3)
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K.ILANTHIRAIYAN, J.**)

This Habeas Corpus Petition has been filed seeking a direction to the respondents 1 and 2 to produce the detenu, namely Swathi, before this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.



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3.The petitioner is the mother of the victim girl, who was aged about 17 years at the time of filing of this petition and has now attained the age of majority.

4.On investigation, it was found that the detenu had earlier eloped with the fourth respondent, and on the complaint lodged by the petitioner, the fourth respondent and the detenu were secured by the third respondent herein. Thereafter, upon recording the statement of the minor girl, she was handed over to her parents, namely the petitioner herein.

5.The third respondent also registered an F.I.R in Crime No.51 of 2025 under the POCSO Act against the fourth respondent and he is now facing trial in Spl.S.C.No.208 of 2025 on the file of the Additional Mahila Court, Erode.



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6.While the trial was pending, the petitioner's daughter again eloped with the fourth respondent, and their whereabouts are not known. She has now attained the age of majority as on 24.11.2025. Further, since the trial against the fourth respondent is still pending, the question of producing the minor girl does not arise, as she is no longer a minor and has voluntarily eloped with the fourth respondent. The fourth respondent is now facing trial in Spl.S.C.No.208 of 2025. Hence, the petitioner is at liberty to approach the trial Court for appropriate relief. The third respondent is directed to secure the fourth respondent and produce him before the trial Court in accordance with law.

7.With the above directions, this Habeas Corpus Petition is disposed of.

[G.K.I.J.,] & [R.P.J.,]
04.12.2025

NCC :Yes/No
Index :Yes/No
ps

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To

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
- 3.The Inspector of Police,
Erode South Police Station,
Erode District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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