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H.C.P.No.218 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.218 of 2026

Annammal
W/o.Ezhumalai

..Petitioner(s)

Vs

1. The Superintendent of Police,
Office of the District Superintendent of Police,
Kallakurichi.
2. The State represented by
The Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi District,
Crime No.33 of 2026.

..Respondent(s)

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, directing the 2nd respondent to produce person or body of the petitioner's daughter xxxxxx, daughter of Ezhumalai, aged about 17 years before this Court and hand over her custody to the petitioner.

For Petitioner(s) : Mr.Krishnasamy Chinnasamy

For Respondent(s): Mr.A.Damodaran
Additional Public Prosecutor
assisted by Mr.M.Karthikeyan



ORDER

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(Order of the Court was made by P.VELMURUGAN, J.)

The Writ of Habeas Corpus petition has been filed seeking a direction to the second respondent to produce the petitioner's daughter xxxxxx, aged about 17 years, herein before this Court and handover her custody to the petitioner.

2. On an earlier occasion i.e. on 06.02.2026, this Court directed the respondents-Police to secure and produce the missing girl before this Court within a period of 48 hours. In compliance with the said direction, the second respondent-Police secured the detainee and produced her before this Court today. The petitioner was also present.

3. The learned Additional Public Prosecutor appearing for the respondents-Police submitted that on 08.02.2026, the second respondent-police secured the detainee as well as one Saravanan. Subsequently, the case in Crime No.33 of 2026, which was initially registered for “Girl Missing”, has been altered to Sections 87 and 127(4) of Bharatiya Nyaya Sanhita, 2023, Section 5(1) and 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, and Section 9 of the Prohibition of Child Marriage Act, 2006. He further submitted that the said Saravanan is yet to be remanded to judicial custody.



4. During the course of interaction, the detenue has stated that she had voluntarily left her parental home and gone with the said Saravanan to Salem due to her affection towards him and initially expressed her unwillingness to accompany her mother.

5. However, considering the fact that the detenue is a minor, aged about 17 years, this Court, counselling and advising both the detenue and the petitioner, interacted with them in detail. Upon such interaction, the detenue expressed her willingness to go along with her mother. Accordingly, the detenue, being a minor, is permitted to accompany with her mother, the petitioner herein.

Accordingly, this Habeas Corpus Petition is closed.

(P.V.,J.) (M.J.R.,J.)
09.02.2026

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H.C.P.No.218 of 2



To

1. The Superintendent of Police,
Office of the District Superintendent of Police,
Kallakurichi.
2. The Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.



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**P.VELMURUGAN, J.
AND
M.JOTHIRAMAN, J.**

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