



H.C.P.No.368 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.368 of 2026

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W/o.Sankar

... Petitioner

Vs.

1. The Commissioner of Police

Office of the Commissioner of Police

EVK Sampath Road, Vepery

Chennai - 600 007.

2. The Deputy Commissioner of Police

Kolathur Division, Kolathur

Chennai - 600 099.

3. State Rep. By

The Inspector of Police

V-4, Rajamangalam Police Station

Kolathur, Chennai - 600 099.

... 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 third respondent to produce the petitioner's daughter, Mohana Priya, D/o.Sankar, aged about 24 years before this Court and set her at liberty.

For Petitioner : Mr.J.Srinivasan

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor

assisted by Mr.M.Karthikeyan

ORDER

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

This Writ of Habeas Corpus Petition has been filed seeking a direction to the third respondent-Police to produce the petitioner's daughter namely, Mohana Priya, D/o. Sankar, aged about 24 years, before this Court and set her at liberty.

2. Heard the learned counsel on either side and perused the materials available on record.

3. According to the petitioner, on 24.01.2026, the petitioner's daughter (detenue), had gone to attend her MBA Semester Examination and after completion of the examination, she informed the petitioner over



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phone that she had boarded a bus at around 5.00 p.m. However, she did not return home thereafter. Upon making enquiries at the bus stop and nearby areas, her whereabouts could not be traced, and her mobile phone was found to be unreachable. The petitioner lodged a complaint on 24.01.2026 before the third respondent police. However, no FIR or CSR was registered till date. The petitioner also submitted a representation to the first and third respondents on 06.02.2026. Since no action was taken so far, the petitioner is before this Court seeking production of the detainee.

4. The learned Additional Public Prosecutor appearing for the respondents – Police submitted that, pursuant to the investigation, the detainee appeared before the Sub-Inspector, Kilpennathur Police Station, Tiruvannamalai on 03.02.2026 and given a statement that she had voluntarily left her residence and married one Vallarasu, who is her co-worker and that she is presently living with him. The learned Additional Public Prosecutor, further submitted that the detainee was neither kidnapped nor abducted and that there is no illegal detention.

5. Considering the facts and circumstances of the case and the submissions made by the learned Additional Public Prosecutor appearing



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for the respondents-Police, this Court is of the view that the alleged detainee (the petitioner's daughter) is not in any illegal custody. It is evident that she voluntarily left her parental home and married one Vallarasu.

6. It is well settled that a Writ of Habeas Corpus is maintainable only in cases of illegal detention. When a major person has voluntarily left his/her residence, the question of illegal detention does not arise. In the absence of any foundational material to establish that the detainee is in unlawful custody, this Court finds no grounds to entertain the present petition under the extraordinary jurisdiction of Article 226 of Constitution of India. Hence, the present petition is liable to be dismissed.

Accordingly, this Habeas Corpus Petition is dismissed.

[P.V.,J.] [M.J.R.,J.]

27.02.2026

Index: Yes/No

Neutral Citation

Speaking / Non Speaking

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4. The Public Prosecutor
High Court of Madras.



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