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*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30.01.2026

Delivered on : 24.03.2026

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2334 of 2024

and

Crl.M.P.No.3403 of 2025

and

Suo Motu H.C.P.No.2408 of 2024

H.C.P.No.2334 of 2024

Sumathi

W/o.Somu

... Petitioner

Vs.

1. The Deputy Commissioner of Police,



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*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

Anna Nagar District,
Anna Nagar, Chennai – 600 040.

2. The Inspector of Police,
AWPS Anna Nagar,
K.4 Police Station,
Anna Nagar, Chennai – 600 040.

3. Raji
Inspector of Police,
AWPS Anna Nagar,
K.4 Police Station,
Anna Nagar, Chennai – 600 040.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondent-Police particularly the 1st respondent to produce the minor girl before this Court and hand over to the parents and to provide medical treatment to the victim minor girl to give proper protection to the minor girl and her family to provide adequate compensation to the victim girl as per POCSO Act and to direct the 1st respondent to initiate disciplinary proceedings / suitable action against the erring police officials as per law.

For Petitioner : Mr.A.Mathiyalagan
for Dr.R.Sampath Kumar



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
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Suo Motu H.C.P.No.2408 of 2024*

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.A.Damodaran
Additional Public Prosecutor

Suo Motu H.C.P.No.2408 of 2024:

Suo Motu

... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Anna Nagar Range, Chennai – 600 040.

2. The Inspector of Police,
All Women Police Station,
Anna Nagar, Chennai – 600 040.

... Respondents

Prayer:- Habeas Corpus Petition filed under the Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, directing the respondents herein to produce the body of the minor rape victim and her parents before this Court and set them at liberty.

For Petitioner : High Court of Madras

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.A.Damodaran
Additional Public Prosecutor



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

COMMON ORDER

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

The Habeas Corpus Petition in H.C.P.No.2334 of 2024 was filed by the victim's mother seeking directions to the first respondent-Police to produce the minor girl before this Court, handover her custody to the parents, ensure medical treatment and protection for her and her family, award compensation under the Protection of Children from Sexual Offences Act, 2012 [hereinafter referred to as 'POCSO Act, 2012'] and initiate disciplinary action against the erring officials.

2. *Suo motu* Habeas Corpus Petition was initiated by this Court at the instance of Mr.A.P.Suryaprakasam, learned counsel practicing before the High Court of Madras.

3. Mr.A.P.Surya Prakasam, the learned counsel, addressed a letter to this Court stating that a minor girl aged about 10 years, who is a victim of rape, and her parents were allegedly subjected to ill-treatment by the Inspector of Police, All Women Police Station, Anna Nagar, Chennai. In



WEB COPY

H.C.P.No.2334 of 2024
and

Crl.M.P.No.3403 of 2025
and

Suo Motu H.C.P.No.2408 of 2024

the said letter it was further represented that the minor victim girl required examination by the Medical Board, counseling by experts, payment of appropriate compensation, and that appropriate action be taken against the police officials, who are responsible for the alleged misconduct. Along with the letter, Mr.A.P.Surya Prakasam, the learned counsel enclosed certain newspaper publications, carrying headlines such as “*Cop beats minor rape survivor-s parents; Culprit not yet arrested*” etc. The said communication was placed before the Hon’ble Acting Chief Justice for passing appropriate orders. Pursuant to the directions issued by the Hon’ble Acting Chief Justice and the Public Interest Litigation (PIL) Committee, this Court initiated the present *Suo motu* Habeas Corpus Petition.

4. The case of petitioner in H.C.P.No.2334 of 2024, in brief, is as follows :

(i) The petitioner, who is the mother of the victim girl, states that her daughter, aged about 10 years and studying 6th standard, is residing with the family at Anna Nagar, Chennai. On 29.08.2024, the petitioner



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

noticed a foul smell emanating from the child and immediately took her to a nearby Doctor, Dr.Kalanithi, who runs a clinic at Door No.19A, 11th Main Road, Anna Nagar, Chennai - 40. Upon examination, the doctor suspected that the child might have been subjected to sexual assault and referred the child to the Government Kilpauk Medical College Hospital for further examination and treatment. On the same day, the child was taken to the said hospital, where she was examined and admitted as an inpatient. Intimation was also given to the Child Welfare Committee and the All Women Police Station. Thereafter, the Inspector of Police, All Women Police Station, Anna Nagar (3rd respondent in HCP.No.2334 of 2024) came to the Hospital and received a complaint from the mother of the minor victim girl.

(ii) According to the petitioner, the Inspector of the Police instructed her to go to her house and bring the Aadhar cards of herself and the child and to appear at K-4 Police Station, Anna Nagar. Accordingly, she went back to her house. It is further alleged that during the midnight



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

hours, the third respondent recorded the statement of the victim minor, aged about 10 years, in the common corridor of the Government Kilpauk Medical College Hospital, near the lift area, and that such statement was recorded in the absence of the mother. The petitioner claims that she was unaware of the recording of the child's statement at that time. The petitioner further alleges that when she reached K-4 Police Station, one Sathish, who resides adjacent to her house and is stated to be the accused in the case, was present at the Police station and was permitted to sit on a chair while the Inspector of Police was interacting with him. It is also alleged that the Inspector of Police called the petitioner inside a room available in the Police station, assaulted her, and took away her mobile phone without justification. The Inspector of Police, allowed the petitioner to stay in the Police Station till mid night upto 01.00 a.m. The Inspector of Police has given instructions to the policemen not to allow the petitioner to leave the station without her permission.

(iii) The petitioner states that she requested the police officials to



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

permit her to visit her daughter, who was undergoing treatment at Government Kilpauk Medical College Hospital. It is stated that, after making a phone call, the station officials permitted her to proceed to the hospital. Upon reaching the hospital, the petitioner found that the third respondent had already conducted an enquiry with the minor victim girl in her absence and recorded some statements and that such enquiry continued till about 01.00 a.m.

(iv) It is further alleged that on 31.08.2024, one Kavitha from Child Helpline visited the Government Kilpauk Medical College Hospital, made enquiries regarding the minor girl, and took videographs of the child on her mobile phone for reasons best known to her. It is stated that another representative from the 181 Helpline also visited the hospital, but did not conduct any enquiry. The Inspector of Police is said to have thereafter visited the hospital, held discussions with the duty doctor, and left the premises.

(v) The petitioner further states that the Inspector of Police



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

order to safeguard the victim and her family, the present Habeas Corpus Petition (H.C.P.No.2334 of 2024) has been filed.

5. The case of the prosecution is that based on the complaint received from the mother of the minor victim, FIR was registered on 30.08.2024 at 20.20 hours in Crime No.33 of 2024 on the file of the Inspector of Police, W.7, All Women Police Station, Anna Nagar, Chennai, for the offences punishable under Sections 5(1) (m) read with 6 of POCSO Act, 2012. The victim was immediately taken to the Government Kilpauk Medical College Hospital, Chennai, where medical examination and treatment were ensured. The statement of the staff nurse working in the said hospital was recorded. Thereafter, the statement of the minor victim was recorded in the presence of her father and the attending nurse. The suspected prime accused was summoned for enquiry and subjected to interrogation. It is further stated that the mother of the victim came to the Police Station on 30.08.2024 at about 22.54 hours and left the station around 01.08 a.m. She was accompanied by her relatives. At that



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

time, the father of the victim was accompanying the victim in the hospital. The respondents have contended that the allegations levelled against the police authorities are false and that the claims of ill-treatment or harassment of the parents are mere afterthoughts. It is further stated that the third respondent (Rajiv), Inspector of Police was transferred from W.7, All Women Police Station, Anna Nagar, and posted to the All Women Police Station, Koyembedu. It is further stated that an audio/video conversation allegedly between the Inspector of Police and the minor victim girl was broadcasted in social media, in connection with which separate criminal cases have been registered. The mother of the victim is stated to have informed the Police that, for about ten days, the family was unable to attend to their work and earn their livelihood. In view of the said circumstances, it is claimed that, on humanitarian grounds, the Inspector of Police attempted to provide a sum of Rs.1,000/- to the family, which was declined by the victim's mother. Further, the suspected accused Sathish was arrested on 12.09.2024 and remanded to



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

judicial custody. The prosecution has categorically denied all the allegations levelled against the officials of the Police Department.

6. Earlier, this Court, having taken up both *Suo motu* Habeas Corpus Petition and H.C.P.No.2344 of 2024, and upon hearing the parties, passed order dated 01.10.2024 directing that the investigation in F.I.R.No.33 of 2024 on the file of the W.7, All Women Police Station, Anna Nagar, Chennai – 40, be transferred to the Joint Director of Central Bureau of Investigation (CBI), Rajaji Bhavan, Besant Nagar, Chennai – 600 090, for conducting investigation and taking all appropriate further action in accordance with law. Aggrieved by the same, the State preferred Special Leave Petition (Crl.) Nos.15332-15333 of 2024 before the Hon'ble Supreme Court.

7. The Hon'ble Supreme Court, by order dated 18.11.2024, constituted a Special Investigating Team [hereinafter referred to as 'SIT' for brevity] and entrusted the investigation in F.I.R.No.33 of 2024 to the said Team, comprising three senior police officers. The Hon'ble Supreme



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

Court further directed the SIT to continue the investigation on a day-to-day basis and to submit its first report before Hon'ble the Chief Justice of Madras High Court. It was also observed that Hon'ble the Chief Justice may constitute an appropriate Bench to monitor the matter, and such Bench would be at liberty to issue appropriate directions to the SIT from time to time, if necessary. The Hon'ble Supreme Court further directed that other ancillary issues, including the question of compensation, shall also be considered and decided by the Bench so constituted.

8. The learned Additional Advocate General appearing for the respondents-Police by referring to a status report of the Special Investigation Team submitted that pursuant to the order of the Hon'ble Supreme Court, the SIT took up the investigation in F.I.R.No.33 of 2024 and submitted periodical status reports before this Court. During the course of investigation, based on the materials collected, the SIT arrested Sudhakar(A2) and Rajiv (A3) wife of Nagarajan, the Inspector of Police, who had registered the original FIR.No.33 of 2024 on 30.08.2024. Upon



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

completion of investigation, the SIT filed a final report before the Special Court for POCSO Cases, Chennai and the same was taken on file in Spl.S.C.No.27 of 2025, wherein the third respondent (Rajiv) has been arrayed as A3. Thereafter, A2 and A3 filed discharge petitions, which came to be dismissed on 30.07.2025. Subsequently, the trial Court framed charges against the accused, and the case is presently pending trial.

9. The learned Additional Advocate General further submitted that departmental action has already been initiated against erring official Rajiv (A3) and the said disciplinary proceedings are presently in progress. He further submitted that with regard to the alleged disclosure of the identity of the minor victim and her family in the public domain, two separate F.I.R Nos.36 and 39 of 2024 were registered on the file of the All Women Police Station, Anna Nagar, Chennai, on 11.09.2024 and 29.09.2024, respectively, against a YouTuber and a journalist and investigation is in progress. Hence, nothing survives for adjudication in these petitions.



WEB COPY



*H.C.P.No.2334 of 2024
and*

*Crl.M.P.No.3403 of 2025
and*

Suo Motu H.C.P.No.2408 of 2024

10. Per contra, learned counsel appearing for the petitioner submitted that notwithstanding the subsequent developments, including the constitution of the Special Investigating Team by the Hon'ble Supreme Court, the filing of the final report in Spl.S.C.No.27 of 2025, the framing of charges against the accused, and the initiation of departmental proceedings against the third respondent, the core grievances of the petitioner have not been fully redressed. It is contended that the manner in which the minor victim and her parents were allegedly treated by the police authorities has caused irreparable trauma, and that the mere filing of a charge sheet or initiation of disciplinary proceedings would not sufficiently address the violations alleged. The learned counsel further submitted that issues relating to compensation, protection of the victim's dignity, and strict adherence to the mandatory safeguards under the POCSO Act, 2012 and the Code of Criminal Procedure still require consideration by this Court.

11. We have heard the learned counsel appearing on either side and perused the materials available on record.



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

12. Admittedly, on the complaint of the victim's mother, Crime No.33 of 2024 was registered for the offences punishable under Section 5(1)(m) and Section 6 of POCSO Act. Alleging non-compliance with the mandatory procedures contemplated under the POCSO Act, 2012 and the Code of Criminal Procedure, harassment of the victim and her family and attempts to shield the real accused, the present proceedings were initiated. In the interregnum, circulation of materials in social media disclosing the minor's identity led to initiation of a *Suo motu* Habeas Corpus Petition on the basis of a letter addressed to this Court. Simultaneously, the mother of the victim also filed a separate Habeas Corpus Petition alleging ill-treatment by the Police and contending that they were not even informed of the whereabouts of the minor girl at the relevant point of time. By order dated 01.10.2024, this Court directed transfer of investigation to the Central Bureau of Investigation, recording loss of confidence in the State Police. The said order was challenged before the Hon'ble Supreme Court in SLP (Crl.) No.15332-15333 of 2024, pursuant to which a Special



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

Investigating Team was constituted and the matter was restored, and the investigation is presently being monitored through periodic status reports.

13. During the pendency of both the petitions, the mother of the victim filed Crl.M.P.No.3403 of 2025 seeking grant of compensation on the ground that the prosecution had not conducted any identification parade; that the statement of the victim under Section 164 Cr.P.C. was not recorded immediately after the registration of the FIR; that no statement was obtained from the victim girl immediately upon receipt of information from the Government Kilpauk Medical College Hospital; and that the provision of law for registering POCSO Act were not applied on the victim girl. By order dated 17.03.2025, this Court, awarded interim compensation. The relevant paragraph Nos.2 and 3 of the said order are extracted hereunder :

“...2. As per G.O.(Ms).No.33, Social Welfare and Nutritious Meal Programme Department dated 03.10.2020, the minimum limit of compensation is Rs.4,00,000/- and the maximum limit is Rs.7,00,000/-.



WEB COPY



H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and

Suo Motu H.C.P.No.2408 of 2024

The Government has paid a sum of Rs.1,00,000/- as compensation to the victim. Considering the nature of the case and the fact that the identity of the victim was put in the public domain, because of indiscretion of the officers of the police Department, we deem it fit to grant an order of interim compensation of Rs.4,00,000/- including Rs.1,00,000/- already paid.

3. Therefore, the Government will pay a further sum of Rs.3,00,000/- within a period of four weeks from today. The Special Court for POCSO Cases will take into account the interim compensation directed to be paid pursuant to this order and the compensation that is already paid while fixing the compensation at the time of final disposal.”

14. The main contention of the petitioner, who is the mother of the victim, is that the respondents-Police committed grave illegalities and procedural irregularities at the time of registration of the case and during the examination of the minor victim. It is further alleged that the victim and her parents were subjected to harassment and intimidation; that the mandatory safeguards under the POCSO Act, 2012 and the Code of Criminal Procedure were not adhered to; and that there was a deliberate



WEB COPY



*H.C.P.No.2334 of 2024
and*

*Crl.M.P.No.3403 of 2025
and*

Suo Motu H.C.P.No.2408 of 2024

attempt to safeguard the real accused. In the meantime, certain audio/video recordings relating to the victim, including portions of her interaction with the Police and materials disclosing her identity, were circulated on social media, giving rise to serious concerns regarding breach of confidentiality and violation of statutory protection afforded to a child victim.

15. It is brought to the notice of this Court that departmental action has already been initiated against the Inspector of Police Rajiv (A3), who is alleged to have committed illegalities and procedural irregularities in the investigation of Crime No.33 of 2024. A charge memo has been issued to her under Rule 3 (b) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 and the said disciplinary proceedings are presently in progress.

16. It is to be noted that, upon completion of investigation, the Special Investigating Team, has filed a final report arraying the said Rajiv as Accused No.3 before the Special Court for Exclusive Trial of Cases under the Protection of Children from Sexual Offences Act, Chennai, in



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and*

Suo Motu H.C.P.No.2408 of 2024

Spl.S.C.No.27 of 2025. Charges have been framed against the accused, and the criminal case is presently pending trial.

17. Insofar as alleged disclosure of the identity of the minor victim, her family members and another juvenile, is concerned two separate cases in Crime Nos.36 and 39 of 2024 were registered on the file of the All Women Police Station, Anna Nagar, Chennai, on 11.09.2024 and 29.09.2024, respectively, against a YouTuber and a journalist. This Court, by order dated 24.01.2025, constituted a separate Special Investigating Team to investigate the said crime numbers.

18. Insofar as compensation is concerned, this Court has already passed orders on 17.03.2025, awarded interim compensation to the victim. It has also been categorically observed therein that the issue of final compensation, including the entitlement of the victim, shall be considered by the trial Court at the time of disposal of the case on merits and in accordance with law.

19. In view of the foregoing discussion and the subsequent



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and*

Suo Motu H.C.P.No.2408 of 2024

developments placed on record, this Court is of the considered view that no further directions are warranted at this stage, except to ensure that the investigation and prosecution proceed strictly in accordance with law and without any deviation from the statutory safeguards contemplated under the POCSO Act, 2012 and the Code of Criminal Procedure. The Special Investigating Team constituted by this Court in respect of the cases relating to disclosure of the identity of the minor victim, shall conduct the investigation in a fair, impartial and expeditious manner. The Special Court for Exclusive Trial of Cases under the POCSO Act, Chennai shall proceed with the trial in Spl.S.C.No.27 of 2025 on a day-to-day basis, and dispose of the same at the earliest. Insofar as compensation is concerned, this Court has already awarded interim compensation by order dated 17.03.2025. The Special Court shall consider the entitlement and quantum of final compensation payable to the victim in accordance with law and the scheme framed under the POCSO Act, 2012 at the time of passing final orders. It is further clarified that departmental proceedings initiated against the concerned Police official shall continue independently and be concluded in accordance with the applicable service



WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and*

Suo Motu H.C.P.No.2408 of 2024

rules, without being influenced by the pendency of the criminal case.

Having regard to the nature of the allegations and the apprehension expressed, the respondents-Police are directed to extend adequate protection to the victim girl and her parents and to ensure that the trial proceeds in a fair and expeditious manner, strictly in accordance with law.

20. With the above directions and observations, these petitions stand disposed of.

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

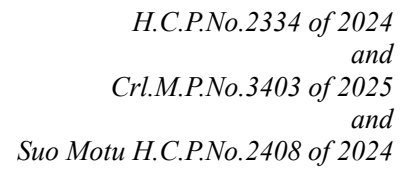
24.03.2026

Index: Yes/No

Neutral Citation

Speaking / Non Speaking

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WEB COPY



*H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024*

P.VELMURUGAN, J.,

AND

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ms

H.C.P.No.2334 of 2024
and
Crl.M.P.No.3403 of 2025
and
Suo Motu H.C.P.No.2408 of 2024

24.03.2026