



H.C.P.(MD)No.68 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :27.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

and

THE HONOURABLE MS.JUSTICE R.POORNIMA

H.C.P.(MD)No.68 of 2026

Sivakumar

... Petitioner

-vs-

1. The Superintendent of Police
Pudukottai District
Pudukottai

2. The Inspector of Police
Viralimalai Police Station,
Pudukottai.

3. Soundar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing respondent Nos.1 and 2 to produce body or person of the petitioner's brother female child the detenue namely Minor.Porselvi, D/o.(late)Vijayakanth aged about 17 years under the illegal custody of the third respondent before this Court and hand over the custody to the petitioner.



H.C.P.(MD)No.68 of 2026

For Petitioner : Mr.S.Krishnan

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For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

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

This Habeus Corpus Petition has been filed to direct the respondent Nos.1 and 2 to produce body or person of the petitioner's brother female child the detinue namely Minor.Porselvi, D/o. (late)Vijayakanth aged about 17 years under the illegal custody of the third respondent before this Court and hand over the custody to the petitioner.

2. The petitioner is the paternal uncle of the detinue/victim girl. The victim girl was born to the petitioner's brother and one Suriya. The victim girl was born on 29.01.2008. After completion of her higher secondary education she is now doing her first year college studies. While being so, from 19.01.2026 her whereabouts was not known.



H.C.P.(MD)No.68 of 2026

Therefore the petitioner lodged complaint before the second respondent and the same has been registered in crime No. 26 of 2026 under 'Girl Missing'. During investigation the victim girl was secured from the hands of the third respondent. Her statement was also recorded. After recording her statement the First Information Report was altered to Section 139 of BNS and Sections 5(l) r/w. 6 of POCSO Act. Since the victim girl was not willing to go either with the petitioner or her mother she was sent to Government Home at Pudukottai by the second respondent.

3. Today the second respondent produced the victim girl from home before this Court. She deposed that she will complete 18 years as on 29.01.2026. She fell in love with the third respondent and she want to marry him. That apart she was pressurised by her mother to marry some relative and as such she eloped with the third respondent and she is not willing to go either with the petitioner or her mother.



H.C.P.(MD)No.68 of 2026

WEB COPY

4. In view of the statement made by the victim girl that she is now about to complete 18 years as on 29.01.2026, till such time she is to be kept in the Government Home at Pudukottai. After completion of her 18 years she can decide on her own where to stay. As of now the victim is not under illegal detention of any one.

5. In view of the same, the Habeus Corpus Petition is disposed of.

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

27.01.2026

NCC: Yes/No
Index: Yes/No
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H.C.P.(MD)No.68 of 2026

To

WEB COPY

1. The Superintendent of Police
Pudukottai District
Pudukottai
2. The Inspector of Police
Viralimalai Police Station,
Pudukottai.
3. The Officer-In-Charge
Government Home, Pudukottai
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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H.C.P.(MD)No.68 of 2026

G.K.ILANTHIRAIYAN, J.
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