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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.424 of 2026

Thavamani

.. Petitioner/Mother of the Detenues

Vs.

- 1.The State of Tamilnadu,
rep. by the Superintendent of Police,
Trichy District, Trichy.
- 2.The Inspector of Police,
AWPS - Ponmalai,
Ponmalai, Trichy District.
- 3.The Inspector of Police,
Ponmalai Police Station (Law and Order),
Ponmalai, Trichy District.

.....Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the body or person of the petitioner's younger daughter the detainee namely Dharshini, D/o.Late. Ilavarasan, 16 years and her son namely Dharanidharan, S/o. Late.Ilavarasan, 14 years before this Court and hand over the custody to the



petitioner.

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For Petitioner : Mr.Sankar.S

For Respondents : Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

This Habeas Corpus Petition has been filed to direct the respondents to produce the body or person of the petitioner's younger daughter namely Dharshini, D/o.Late. Ilavarasan, 16 years and her son namely Dharanidharan, S/o. Late.Ilavarasan, 14 years before this Court and hand over the custody to the petitioner.

2. When this petition came for hearing on 01.04.2026, this Court passed the following order:

It is also seen that the children were born to the petitioner through one Elavarasan. Elavarasan had passed away. Thereafter, the petitioner is said to have married one Christhuraj. It is alleged that Christhuraj had misbehaved with the minor daughter born to the petitioner. Based on the



complaint given by the elder daughter, a case was registered under the POCSO Act against Christhuraj. Christhuraj has now fled to Singapore.

3. Pursuant to the above order, both the detenues were produced before this Court.

4. Apart from the above, the eldest daughter of the petitioner was also present before this Court.

5. We independently examined the detenues, the petitioner and also the eldest daughter of the petitioner.

6. The younger daughter, who is one of the detenues, stated that she is staying in Nagammaiyar Children Home, K.K.Nagar, Trichy and that she has completed her 10th standard examinations and wants to go along with her elder sister, who is working in Chennai. She categorically refused to go along with the petitioner.



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7. The other detinue, who is the son of the petitioner, stated that he is presently staying at Pavai Foundation at Ponmalaipatti and that his 9th standard examinations are going on. He further stated that he is interested in going along with the petitioner.

8. The eldest daughter of the petitioner stated that she has got a job in Chennai and that she is taking steps to get her younger sister shifted to a home in Chennai and is willing to take care of her younger sister. She categorically stated that neither she nor her younger sister is interested in living along with the petitioner.

9. The petitioner stated that she married the above said Christhuraj and after the alleged incident, she is not in contact with the said Christhuraj. She further stated that she is interested in the welfare of her children and wants to take the younger daughter and the son along with her.

10. In our considered view, the POCSO case is now pending against the said Christhuraj before the competent Court. The elder daughter and the younger daughter of the petitioner made it very clear that they are not



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interested in going along with the petitioner. The elder daughter, who has secured a job in Chennai, is willing to take care of her younger sister. Therefore, we are not inclined to pass any order against the wishes of both the daughters. The elder daughter can take care of her sister by making necessary arrangements.

11. Insofar as the son is concerned, since he expressed his desire to go along with the petitioner, we are inclined to fulfill his wishes and he can go along with the petitioner forthwith.

12. This Habeas Corpus Petition is disposed of on the above terms.

(N.A.V.,J..) (K.K.R.K.,J.,)
06.04.2026

Index : Yes / No
Internet : Yes / No

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Trichy District, Trichy.
2. The Inspector of Police,
AWPS - Ponmalai,
Ponmalai, Trichy District.
3. The Inspector of Police,
Ponmalai Police Station (Law and Order),
Ponmalai, Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
K.K.RAMAKRISHNAN,J.**

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