

HCP(MD)No.1250 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.09.2026

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE B.MURUGESAN

HCP(MD) NO. 1250 of 2026
{CNR: HCMD011371992026}



Case QR



... Petitioner

vs.

1.The Superintendent of Police,
Sivagangai District, Sivagangai.

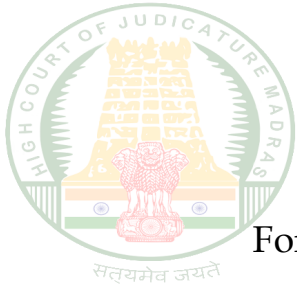
2.The Inspector of Police,
Keeladi Police Station,
Keeladi, Sivagangai District.

3.The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai District.



... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents No.1 & 2 to produce the petitioner's daughter , aged about 19 years or her body before this Court and set her at liberty.



HCP(MD)No.1250 of 2026

For Petitioner : Mr.K.K.Kannan

For R1 to R3 : Mr.G.Karuppasamy Pandiyan
Counsel for State of Tamilnadu (Crl.Side)

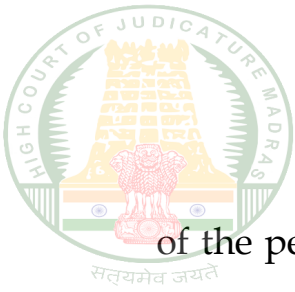
For R4 : Mr.K.R.Manimaran

ORDER

[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

This petition has been filed to direct the respondents Nos.1 and 2 to produce the petitioner's daughter or her body before this Court and set her at liberty.

2.The case of the petitioner is that she and her husband are coolie workers and that they have two daughters. The elder daughter is a victim in a POCSO case in Spl.S.C.No.94 of 2025, pending on the file of the Special Court for Exclusive Trial of POCSO Cases, Madurai. The victim was studying in 11th Standard during the relevant period. The fourth respondent, who is an accused in the said case, was then about 45 years old and was running a Sai Baba Temple situated near the residence



HCP(MD)No.1250 of 2026

of the petitioner and representing himself as a monk and claiming to be

a follower of Sai Baba, had induced the minor victim girl, taken her with him and indulged in sexual activities, resulting in which the minor girl became pregnant and delivered a male child. Based on the complaint, an FIR was registered in Crime No.50 of 2024 for the offences under Sections 5(l), 5(n), 5(j)(ii) and 6 of the POCSO Act and under Section 351(2) of the BNS, 2023. The DNA test also proved that the fourth respondent is the biological father of the child born out of the pregnancy. The fifth respondent, who is the wife of the fourth respondent, has abetted the fourth respondent in the offence and she was also implicated in the case for the offences under Sections 16 and 17 of the POCSO Act. After completing the investigation, the investigation officer filed the final report and the case, as stated above, is pending trial in Spl.S.C.No.94 of 2025.

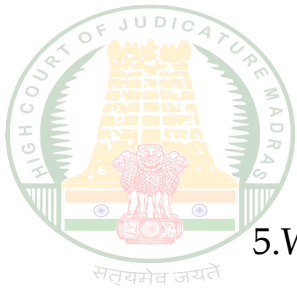
3.It is a further case of the petitioner that in these circumstances, on 24.08.2026, the respondents 4 and 5 met her daughter and allegedly threatened her that she should not give evidence against them and had taken the petitioner's daughter into their custody. The petitioner had



HCP(MD)No.1250 of 2026

given a complaint to the respondents seeking action to secure her daughter. However, the respondents have not taken any action and thereby, the petitioner has filed this Habeas Corpus Petition.

4.The learned counsel for the petitioner would submit that the petitioner's daughter is a victim of a crime. The respondents 4 and 5, who are accused in the POCSO case, have threatened the daughter of the petitioner and taken her into their fold. The petitioner had given a complaint before the second respondent. The second respondent conducted an enquiry and, despite finding that the petitioner's daughter is a victim of a POCSO case, had permitted the daughter of the petitioner to go along with the accused in this case. He would further submit that the fourth respondent was granted bail by this Court in CrI.O.P.(MD) No.6891 of 2025. This Court, while granting bail, had imposed a condition that he shall not directly or indirectly make any inducement, threat or promise. Certain other conditions were also imposed, whereas, in utter violation of Conditions (vii) and (viii), he had taken custody of the daughter of the petitioner.



HCP(MD)No.1250 of 2026

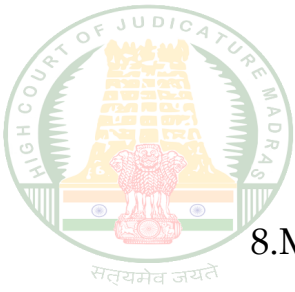
5. When the matter was listed yesterday ie., 29.09.2026,

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Mr.D.Venkatesh, learned Additional Public Prosecutor, produced the file containing instructions. On perusal of the file, we found that an enquiry had been conducted by Special Sub Inspector of Police, Keelady Police Station and statements have been obtained from the missing person, the petitioner and the fourth respondent. Photographs of the petitioner, the victim and the fourth respondent were also enclosed. Since the learned Additional Public Prosecutor requested short accommodation to get further instructions, the matter was directed to be listed today and the alleged missing person was directed to be produced before us.

6. We also directed the Special Sub-Inspector of Police of the second respondent Police Station, who conducted enquiry and recorded the statements, to appear before this Court today.

7. The alleged missing person is produced before us. When we enquired her, she submitted that she is born on 31.12.2007 and now a major and that she had, on her own volition, gone along with the fourth respondent and that she does not want to join her parents.

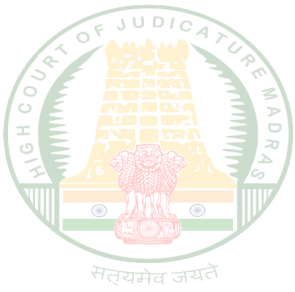


HCP(MD)No.1250 of 2026

8.Mr.D.Venkatesh, learned Additional Public Prosecutor,

submitted that the enquiry was conducted and during such time, since the missing person had expressed her unwillingness to go with her mother and expressed her willingness to go along with the fourth respondent, the Special Sub-Inspector of Police of the second respondent Police Station, without understanding the consequences, had permitted the missing person to go along with the fourth respondent and the statement of the fourth respondent had also been obtained by him. He would further submit that the conduct of the Special Sub-Inspector of Police of the second respondent Police Station is not wilful or wanton, but due to ignorance, and he would submit that appropriate steps will be taken to sensitise the officers in this regard.

9.The fourth respondent is also present before this Court and he is represented by a counsel. The learned counsel appearing for the fourth respondent would submit that the victim had contacted the fourth respondent and at the request of the victim, he had taken her along with him. He would also submit that the fourth respondent has also done this without understanding the consequences.



HCP(MD)No.1250 of 2026

WEB COPY

10. We have enquired the missing person once again. She is very adamant. She submitted that her date of birth is 31.12.2007 and that she is now aged 18 years and is a major and that she does not want to go along with her parent, the petitioner, her mother, or with her father and that she wants to lead an independent life. We find that she is not in illegal detention. However, the manner in which the matter has been dealt with by the Special Sub-Inspector of Police of the second respondent Police Station is shocking. Despite the missing person informing that she is a victim and the fourth respondent admitting that he is an accused in the POCSO case, the Special Sub-Inspector of Police has permitted the victim to go along with the fourth respondent, who is an accused. This is in total violation of the conditions imposed by this Court in Crl.O.P.(MD) No.6891 of 2025.

11. We now find that the custody of the missing person is not illegal. However, since the matter has been dealt with by the Special Sub-Inspector of Police of the second respondent Police Station in an insensitive manner, we direct the first respondent to conduct an enquiry



HCP(MD)No.1250 of 2026

with regard to the manner in which the matter has been dealt and take appropriate action in accordance with law and ensure the safety of the victim girl. The third respondent shall take appropriate steps taking note of the violation of the conditions of this Court passed in CrI.O.P. (MD)No.6891 of 2025.

12. With the above directions and observations, this Habeas Corpus Petition is closed.

[A.D.J.C., J.] [B.M., J.]
30.09.2026

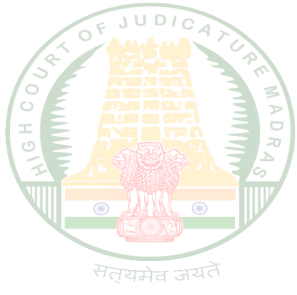
Index : Yes / No
Neutral Citation : Yes / No
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To

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HCP(MD)No.1250 of 2026

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