

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2026

CORAM

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS JUSTICE R. POORNIMA**

H.C.P.(MD) No.812 of 2026

K.Devi Nattar

.. Petitioner / Wife of the detenu

Vs.

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

2.The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District,
Crime No.29 of 2026.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the body or person of the petitioner's husband namely Kandhasamy, S/o.Murugesu Muthu, aged about 29 years, before this Court.

For Petitioner : Mr.Mathesh Saravanan N

For Respondents : Mr.D.Venkatesh
Government Advocate (Crl.Side)



ORDER

WEB COPY(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

This petition has been filed seeking to produce the body or person of the petitioner's husband, namely Kandhasamy, S/o. Murugesu Muthu, aged about 29 years, before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing on behalf of the respondents.

3. The learned counsel for the petitioner would submit that the petitioner's husband, namely, Kandhasamy went missing from 22.11.2025. Despite registration of a case in Crime No.29 of 2026 under the caption "Man Missing" on the file of the 2nd respondent police station, no action has been taken, thereby the petitioner has approached this Court.

4. When the matter was taken up for hearing today, the learned Government Advocate, appearing for the respondents, would submit that based on the complaint given by the petitioner that her husband was missing, an enquiry was conducted in C.S.R.No.544 of 2025 and since his



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whereabouts could not be traced, a man missing FIR was later registered in Crime No.29 of 2026 on 17.01.2026. During the course of investigation, it has come to light that the petitioner's husband had borrowed money from several persons and in order to evade payment, had absconded. Even as per the complaint of the petitioner, she has stated that she had given 25 sovereigns of gold jewels to her husband and that he has not returned the same. She has also admitted about the creditors coming to the house seeking repayment. He further submitted that, it is not a case of illegal detention and hence, the Habeas Corpus Petition is not maintainable.

5. From the facts this Court finds that this Habeas Corpus Petition is in respect of a person, who is simply missing and is not under unlawful detention. Unlawful detention is *sine qua non* for the issuance of Writ of Habeas Corpus.

6. The Co-ordinate Bench of this Court in H.C.P.(MD) Nos.793 and 658 of 2025 has relied on the following orders:

a) Simmi Bai .vs. Shrimaan Police Mahanirishak

Mahodaya and others [2025 SCC OnLine MP 893]



b) Kalaiarasi V. State [H.C.P.No.2191 of 2017 decided

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c) K.Sukumari vs. The Superintendent of Police

[CrI.O.P.(MD) No.19255 of 2016 decided on 18.9.2018]

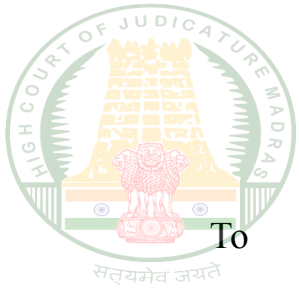
and has held that a Habeas Corpus Petition in respect of a missing person whose detention is not stated to be unlawful/illegal is not maintainable.

7. In view of the above, this Habeas Corpus Petition stands disposed of with a direction to respondents 1 and 2 to effectively pursue the investigation for tracing the missing person in the present case. Accordingly, the investigating officer shall continue the investigation in Crime No.29 of 2026 and take all necessary steps to trace the missing person.

(A.D.J.C.,J.,) (R.P.,J.,)
01.07.2026

Index : Yes / No
Internet : Yes / No

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To

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1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**A.D.JAGADISH CHANDIRA,J.
AND
R.POORNIMA,J.**

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