

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2026

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

H.C.P.(MD) No.817 of 2026

Bethanan

.. Petitioner/Husband of the detenu

Vs.

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

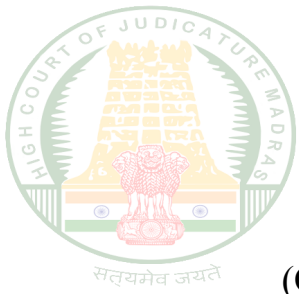
2.The Inspector of Police,
Nilakkottai Police Station,
Dindigul District.

.. 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 detenue namely Jothimani, W/o.Bethanan, aged about 31 years and produce her before this Court and set her at liberty.

For Petitioner : Mr.G.Marichamy

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



ORDER

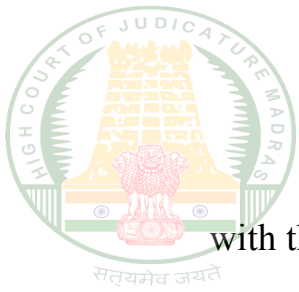
(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

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This petition has been filed seeking to produce the body or person of the petitioner's wife, namely Jothimani, W/o.Bethanan, aged about 31 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 case of the petitioner is that he got married to the alleged detainee, Jothimani, on 07.06.2015 and they are blessed with one daughter aged about 3½ years and one son aged about one year. On 13.04.2026 at about 12.00 p.m., it is alleged that she left the house informing the petitioner that she was going to Nilakottai and would return by evening, but she did not return and despite the search, the detainee was not found. The petitioner had preferred a complaint to the second respondent, based on which, a "woman missing FIR" has been registered in Crime No.124 of 2026 on 01.05.2026. Since no further action has been taken by the respondent Police to trace the missing person, the petitioner has come up before this Court



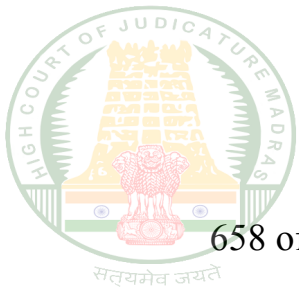
with this Habeas Corpus Petition.

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4. When the matter was taken up for hearing today, the learned Government Advocate (Crl.Side) appearing for the respondents would submit that even as per the complaint of the petitioner, the detinue had left the home informing him that she would return home in the night. However, she did not return home. Based on the complaint given by the petitioner, the "woman missing" FIR has been registered in Crime No.124 of 2026 and the investigation is going on. He would further submit that though the petitioner claims that the detinue went missing on 13.04.2026, the complaint was given only on 01.05.2026. Further, it is not a case alleging illegal custody 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 any unlawful detention. Unlawful detention is *sine qua non* for 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:

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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
on 07.05.2018]

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 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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1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Nilakkottai Police Station,
Dindigul 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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H.C.P.(MD) No.817 of 2026

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