

HCP(MD)No.894 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.07.2026

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and**

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.894 of 2026

V.Logeshwari

... Petitioner

vs.

1. The State of Tamilnadu Rep by,
The Commissioner of Police,
Madurai City, Madurai-02.

2. The Assistant Commissioner of Police,
Kovil Range, Madurai City,
Madurai - 01.

3. The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents to produce the petitioner's husband P.Vinothkanna, S/o.Pitchaimani, detenue, aged about 40 years before this Hon'ble Court by considering the petitioner's representation dated 02.07.2026.

For Petitioner : Mr.T.Balarathinakumar

For Respondents : Mr.D.Venkatesh

Counsel for State of Tamilnadu (Crl.Side)



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ORDER

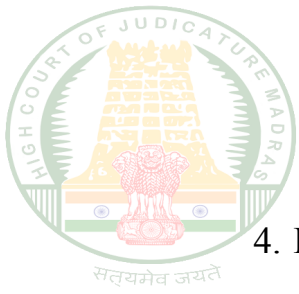
[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

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This petition is filed to issue a Writ of Habeas Corpus, to direct the respondents to produce the petitioner's husband P.Vinothkanna, S/o.Pitchaimani, detenue, aged about 40 years before this Court by considering the petitioner's representation dated 02.07.2026.

2. Learned counsel for the petitioner would submit that the petitioner's husband namely, Vinothkanna went missing on 23.06.2026. Despite registration of a case in Crime No.175 of 2026 under the caption "Man Missing" on the file of the 3rd respondent police station, no action has been taken till date and thereby the petitioner has approached this Court.

3. Learned counsel for State of Tamilnadu (Crl.Side) would submit that based on the complaint of the petitioner, though a case in Crime No.175 of 2026 was registered, even in the said complaint, the petitioner herself has alleged that the detenu was lamenting that he was not having a job. Therefore, it is not a case of illegal detention. He would further submit that 9 witnesses have been examined so far, notices have been affixed in various places, paper publication has also been made and thereby, the respondents/police are taking necessary steps to trace the detenu.



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4. Heard the learned counsel appearing for the petitioner and the learned

WEB Counsel appearing for the State (Crl.Side).

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

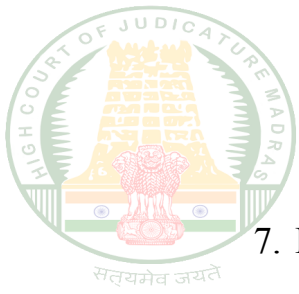
6. The Division Bench of this Court in H.C.P.(MD) Nos.793 and 658 of 2025 has relied on the following orders:

a) Simmi Bai .vs. Shrimaan Police Mahanirishak Mahodaya and others (2025 SCC OnLine MP 893)

b) Kalaiarasi vs. State (H.C.P.No.2191 of 2017 decided on 7.5.2018)

c) K.Sukumari vs. The Superintendent of Police (Crl.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.



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7. In view of the above, this Habeas Corpus Petition stands disposed of with a direction to respondents 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.]

13.07.2026

Index : Yes / No

Neutral Citation : Yes / No

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To:

1. The Commissioner of Police,
Madurai City, Madurai-02.

2. The Assistant Commissioner of Police,
Kovil Range, Madurai City,
Madurai - 01.

3. The Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.

4. The Counsel for State of Tamilnadu (Crl.Side),
Madurai Bench of Madras High Court, Madurai.



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

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ORDER MADE IN
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DATED : 13.07.2026