

HCP(MD)No.927 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.07.2026

CORAM:

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

THE HONOURABLE MS.JUSTICE R.POORNIMA

HABEAS CORPUS PETITION(MD)No.927 of 2026

Kalaivani

... Petitioner

vs.

1. The State of Tamilnadu Rep by its,
The Superintendent of Police,
Madurai, Madurai District.

2. The Deputy Superintendent of Police,
Peraiyur Sub Division,
Madurai District.

3. The Inspector of Police,
Saptur Police Station,
Madurai District.
(Cr.No.125/2026)

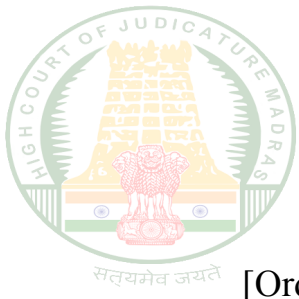
... Respondents

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 Father namely, Duraisamy, aged about 70 years, before this Hon'ble Court and set his liberty.

For Petitioner : Mr.K.Azhagarsamy

For Respondents : Mr.D.Venkatesh

Counsel for State of Tamilnadu (Crl.Side)



HCP(MD)No.927 of 2026

ORDER

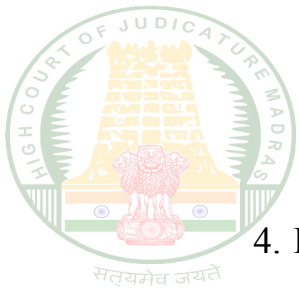
[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

WEB COPY

This petition is filed to issue a Writ of Habeas Corpus, directing the respondents to produce the body or person of the petitioner's Father namely, Duraisamy, aged about 70 years, before this Court and set him at liberty.

2. Learned counsel for the petitioner would submit that the petitioner's father namely, Duraisamy, aged about 70 years, went to Sathuragiri temple on 27.06.2026 and he did not return to home. Despite the registration of the FIR in Crime No.125 of 2026 under the caption "Man Missing" by the 3rd respondent police station, no action has been taken and thereby the petitioner has approached this Court.

3. Learned counsel for State of Tamilnadu (Crl.Side) would submit that based on the complaint given by the petitioner herein, a case in Crime No.125 of 2026 under the caption "Man Missing" was registered by the 3rd respondent police. He would further submit that the petitioner's father had gone on pilgrimage to Sathuragiri temple, where he had been found missing. He would further submit that there is no allegation of illegal detention and thereby, this petition is not maintainable.



HCP(MD)No.927 of 2026

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 person who is simply missing and not under unlawful detention. Unlawful detention is *sine qua non* for issuance of 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) H.C.P.No.2191 of 2017 (Kalaiarasi vs. State) dated 7.5.2018

c) K.Sukumari vs. The Superintendent of Police (Crl.O.P. (MD) No.19255 of 2016 dated 18.9.2018)

and has held that Habeas Corpus Petition in respect of 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 to effectively pursue the investigation for tracing



HCP(MD)No.927 of 2026

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.]
17.07.2026

Index : Yes / No
Neutral Citation : Yes / No
bala

To:

1. The Superintendent of Police,
Madurai, Madurai District.
2. The Deputy Superintendent of Police,
Peraiyur Sub Division,
Madurai District.
3. The Inspector of Police,
Saptur Police Station,
Madurai District.
4. The Counsel for State of Tamilnadu (Crl.Side),
Madurai Bench of Madras High Court, Madurai.



WEB COPY



HCP(MD)No.927 of 2026

A.D.JAGADISH CHANDIRA, J.

AND

R.POORNIMA, J.

bala

ORDER MADE IN
HCP(MD)No.927 of 2026
DATED : 17.07.2026