



**H.C.P(MD)No.959 of 2024**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN  
and  
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**H.C.P.(MD) No.959 of 2024**

J.Rosa Banu

... Petitioner

Vs.

1. The Superintendent of Police  
O/o.Superintendent of Police Office  
Madurai District

2. The Inspector of Police  
Thirunagar Police Station,  
Madurai District

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents herein to produce the body or person of petitioner's husband M.Jahir Hussain S/o. Mohideen Pitchai aged 52 years before this Court and set him at liberty.

For Petitioner : Mr.B.Karuppasamy

For Respondents : Mr.T.Senthilkumar  
Additional Public Prosecutor



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**ORDER**

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The petition has been filed in the nature of Habeus Corpus Petition seeking production of the husband of the petitioner namely M.Jahir Hussain, aged 52 years.

2. In the affidavit filed in support of the petition it had been stated that the husband of the petitioner had left abroad for employment and at that time the petitioner and two children were staying in the house of the in-laws at Muthupetti, Thiruvarur District. That was in the year 2008. Thereafter due to difference of opinion between the petitioner and her husband they had taken a decision to live separately. It has been stated that the petitioner was staying along with her children at Madurai while her husband was staying at Muthupettai, Thiruvarur District. The petition has been filed alleging the husband of the petitioner is trying to get married again.

3. Mr. T.Senthil Kumar, learned Additional Public Prosecutor, on instructions, stated that the husband of the petitioner is still residing at Muthupetti, Thiruvarur District.



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4. On the previous hearing date on 19.08.2024, this Court has observed as follows:

*Mr.T.Senthil Kumar, learned Additional Public Prosecutor stated that the missing person Jahir Hussain, aged about 52 years and husband of the petitioner is now residing at Muthupettai, Thiruvavarur District. Photographs of the respondent police with Jahir Hussain has been produced before this Court. Photographs had been taken on 08.08.2024. He had also given a statement in writing that he is not willing to come back to his family or to the petitioner.*

*2. The copy of the said statement and the photographs had been forwarded to the learned counsel for the petitioner, who may get necessary further instructions.*

*3. List the matter again on 10.09.2024.*

4. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner stated that the submission made by the learned Additional Public Prosecutor may be recorded.



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5. In view of the fact that the husband of the petitioner, who is aged about 52 years had taken a decision to stay at Muthupetti, Thanjavur District and unwilling to come and live with the petitioner herein, this Habeus Corpus Petition stands closed as no further order is required to be passed in this petition.

**(C.V.K., J.) (J.S.N.P, J.)**  
**10.09.2024**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
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To

1. The Superintendent of Police  
O/o.Superintendent of Police Office  
Madurai District
2. The Inspector of Police  
Thirunagar Police Station,  
Madurai District
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**C.V.KARTHIKEYAN, J.**  
**and**  
**J.SATHYA NARAYANA PRASAD, J.**

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**ORDER MADE IN**  
**H.C.P.(MD) No.959 of 2024**

**10.09.2024**