



H.C.P(MD)No.791 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

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

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

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M.Ponraj

... Petitioner/

-Vs-

The State of Tamil Nadu rep by,
1.The Superintendant of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body or person of the petitioner's son Sivamahes, S/o.M.Ponraj, aged about 20 years before this Court and set him at liberty.



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For Petitioner : Mr.E.Mareeskumar

For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

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

The Habeas Corpus Petition is filed for a direction to the respondents 1 and 2 to produce the body or person of the petitioner's son Sivamahes, S/o.M.Ponraj, aged about 20 years before this Court and set him at liberty.

2.The case of the petitioner is that his younger son Sivamahes was working in a private construction company and that on 13.06.2025 his son was found missing. Despite search from various places, he was unable to find out the whereabouts of his son. While so, on 19.06.2025, the petitioner had received a phone call from his son stating that he is in Thiruchendur Temple, immediately the petitioner and his wife had gone to the second respondent police Station and had given a complaint regarding the missing of his son. Based on which, the respondent police had registered a case in Crime No.271 of 2025 on 19.06.2025



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under 'Man missing'. Later, the respondents had traced out the phone calls of the petitioner's son and found out that his son was working in a Spinning Mill near Palladam and the respondent police also brought his son to the police station on 22.06.2025. The respondent police had advised his son and sent him along with the petitioner to the house. While so, the petitioner came to know that his son was having an affair with the married lady, who is having two children. The petitioner and his relative had advised his son to come out of the said love affair. While so, to shock and surprise of the petitioner, his son was missing on 24.06.2025. Hence, the petitioner had approached the respondent police and informed that his son was once again missing, whereas they have not taken any action. Therefore, the petitioner had sent a detailed representation to the first and second respondents on 02.07.2025 to find out the whereabouts of his son. Since no action has been taken, the present Habeas Corpus Petition is filed.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



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4. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents submitted that his son was found missing from 13.06.2025 and based on the complaint given by the petitioner, the case in Crime No.272 of 2025 was registered under 'Man missing' on 19.06.2025. During enquiry, it came to light that the petitioner's son was having illicit affair with a married woman and he had voluntarily gone along with her. Later, he had come back home and thereafter he had once again eloped with the said married lady. The petitioner's son is not under illegal detention of anybody and it is a case of elopement and the petitioner knowing fully well that his son had gone on his own volition with the said married woman, he has filed this Habeas Corpus Petition.

5. From the pleadings of the affidavit, it is clear that the petitioner is well aware of his son's illegal affair and that he had gone voluntarily along with the married woman, whereas the petitioner had attempted to abuse the process of this Court. While the respondents are investigating, the petitioner had attempted to abuse the process of this Court to put unnecessary pressure on the respondents.



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6. In view of the above, we find the petitioner's son is not under illegal detention of anybody and the process of this Court had been attempted to abuse by the petitioner, the Habeas Corpus Petition stands dismissed with cost of Rs.5,000/-. The petitioner shall pay the said amount to the legal service authority within a period of two week from the date of receipt of a copy of this order.

[A.D.J.C.,J.] & [R.P.,J.]
09.07.2025

NCC:Yes/No

Index:Yes/No

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To

1. The Superintendant of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar 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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ORDER MADE IN

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09.07.2025