



H.C.P.(MD) No.925 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.925 of 2025

K. Kaveri

... Petitioner

Vs

1. The State of Tamilnadu, Rep.
By Its, the Superintendent of Police,
Sivagangai District,
Sivagangai.

2. The State of Tamilnadu, Rep.
By Its, the Inspector of Police,,
Sivagangai Town Police Station,
Svagangai.
(Crime No.178 of 2024).

3. Ajithkumar

... 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 the person or body of the petitioners son Umesh Bharathi, aged 30 years and produce his / body before this Court and set at his liberty.



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For Petitioner : Mr.R. Shunmathipriya,

For Respondent : Mr.A.Thiruvadi Kumar (R1-R2)
Additional Public Prosecutor

ORDER

[Order of the Court was made by C.V.KARTHIKEYAN, J.]

This petition has been filed by a mother complaining that her younger son/Umesh Bharathi had been missing and in this connection, she had lodged a complaint consequent to which FIR in Crime No.178 of 2024 had been registered on 12.03.2024 under the caption 'man missing' by the second respondent.

2.It had been contended that the petitioner had a quarrel with a neighbor and there was a threat that the life of her son would be done away with. Under those circumstances, complaining that he is missing and seeking to produce him before the Court, the habeas corpus petition had been filed.

3.The learned Additional Public Prosecutor however had filed a status report from the second respondent, wherein, it had been stated that on receipt of



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the complaint consequent to which, FIR in Crime No.178 of 2024 had been registered on 12.03.2024 under the caption 'man missing'. The respondent police had visited the place and enquired the witnesses and it was found that there were earlier previous cases registered against the detenu before the Sivagangai Town Police Station in Crime Nos.382 of 2014 and 461 of 2014, 791 of 2017 and 794 of 2017. In Crime No.461 of 2014, prisoner transit warrant had been issued against the detenu herein. As far as FIR in Crime No.791 of 2017 is concerned, charge sheet had been filed, but the same had not been taken on file and it had been further contended that with respect to crime No.461 of 2014 in which charge sheet had been filed and the same had been taken cognizance by the learned Judicial Magistrate No.I, Sivagangai as C.C.No.83 of 2016 and a non-bailable warrant had been issued on 12.04.2023 against the accused Umesh Bharathi/younger son of the petitioner/the detenu herein.

4.It has been contended that the detenu is an absconding accused and the learned Additional Public Prosecutor also produced a copy of the non-bailable warrant issued by the learned Judicial Magistrate No.I, Sivagangai on 12.04.2023 in C.C.No.83 of 2016 against the accused Umesh Bharathi. It is thus seen the



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detenu is not under unlawful custody at any place but has deliberately avoided and absconded from judicial proceedings. There are four earlier cases registered against him. All these facts have been suppressed in this petition filed before us.

5.As a matter of fact, in the petition filed though it had been stated that a complaint had been lodged on 12.03.2024, the date from which Umesh Bharathi, the younger son of the petitioner had been missing, the facts revealed in the status report had not been stated and the same had been deliberately suppressed. It is thus evident that the petitioner has not come to the Court by disclosing the correct facts particularly that her son has four previous cases and a non-bailable warrant is also pending against him. Therefore, this Habeas Corpus Petition necessarily has suffered an order of dismissal and the same is dismissed.

[C.V.K., J.] [R.V., J.]
16.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
LR



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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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