



H.C.P(MD)No.930 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM:

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

AND

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

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Syed Ibrahim

... Petitioner/
Son of the Detenu

-Vs-

State of Tamil Nadu rep by
1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Kenikkarai Police Station
Ramanathapuram District.

3.Hijarjhahan
4.Imamutheen
5.Majitha Banu

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of

India, to issue a Writ of Habeas Corpus, directing the respondent Nos.1 and 2



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herein to secure and produce the body or person of the detenu namely Ameer Ali, S/o.Mohamed Sulthan, aged about 55 years before this Court and set him at liberty.

For Petitioner : Mr.C.Senthil Murugan

For R1 and R2 : 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 respondent Nos.1 and 2 to secure and produce the body or person of the detenu namely Ameer Ali, S/o.Mohamed Sulthan, aged about 55 years before this Court and set him at liberty.

2.The case of the petitioner is that his mother viz., Syed Thahira got married to Ameer Ali and out of their wedlock, his mother had begotten the petitioner on 11.11.1998. The petitioner is a lawful son of the missing person Ameer Ali, S/o.Mohamed Sulthan. Later, the missing person was affected mental illness and the marriage between the petitioner's mother and the said Ameer Ali



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was dissolved by local Jamath. The petitioner's father has not re-married and the petitioner was under the care and control of his mother. Subsequently, the petitioner got married and living separately and thereafter, the petitioner has continued to maintain his father as if the properties were devolved upon his father whereas, the fifth respondent, who is the maternal aunt of the petitioner and the fourth respondent, who is the son of the fifth respondent by using the innocence of his father and by suppressing the mental status of the petitioner's father, had obtained a gift deed and thereby transferred the property standing in the name of the petitioner's father. The petitioner later came to know about the fraudulent transfer of the property, he had lodged a complaint. The respondents 3 to 5 did not permit the petitioner to provide medical aid to his father and thereafter, the petitioner had preferred a complaint to the second respondent on 21.07.2025.

3.During the course of enquiry, the respondents 3 to 5 had brought the father of the petitioner for enquiry and later, the petitioner had taken back the missing person in order to save the life of his father and sent a detailed representation to the respondents 1 and 2 on 21.07.2025. Despite the receipt of the same, the respondents 1 and 2 had not taken any steps to redress the grievance of



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the petitioner. The petitioner further submitted that his father was bedridden and the respondents 3 to 5 do not have real affection to take care of the petitioner's father or with the only intention to transfer the property stands in his father's name. Hence, the present Habeas Corpus Petition is filed.

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

5.The learned Additional Public Prosecutor appearing for the respondents submitted that based on the complaint given by the petitioner, enquiry has been conducted in C.S.R.No.825 of 2025. The alleged missing person Ameer Ali is produced before this Court by the respondent police.

6.We enquired the missing person. He submitted that the petitioner's mother was married to him 25 years ago and later, she got divorce from him and she was living separately along with the petitioner and from the date of divorce, he was living with his elder sister and the elder sister and her family members were taking care of him. He also stated that only in order to grab his property, his



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son, the petitioner herein had given a false complaint and he is not under illegal detention. He further submitted that the petitioner was also present during enquiry. The petitioner, who is well aware of what had happened during enquiry, has filed the present Habeas Corpus Petition on 30.07.2025 by making false averments.

7.Though the petitioner had made several allegations stating that his father is mentally ill, we enquired him and found that he is a man with good mental capacity. We find that the process of the Court has been purposely misused by the petitioner to settle some other score and thereby the Habeas Corpus Petition stands dismissed with cost of Rs.25,000/-(Rupees Twenty Five Thousand only). The petitioner shall pay the said amount to the detenu, the father of the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

[A.D.J.C.,J.] & [R.P.,J.]
05.08.2025

NCC:Yes/No

Index:Yes/No

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Note:Issue order copy on 01.09.2025



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To

- 1.The Superintendent of Police,
Ramanathapuram District.
- 2.The Inspector of Police,
Kenikkarai Police Station
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

A.D.JAGADISH CHANDIRA, J.



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AND
R.POORNIMA.,J.

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ORDER MADE IN
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