



H.C.P.(MD) No.991 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R. POORNIMA**

H.C.P.(MD) No.991 of 2025

M. Shammil Raspin

... Petitioner

Vs

1. The State of Tamilnadu, Rep.,
By the Superintendent of Police,,
Kanniyakumari District,
Nagercoil.

2. The Inspector of Police,
Vadaseri Police Station,
Nagercoil.

3. Mr.Paulbaskar

... Respondents



H.C.P.(MD) No.991 of 2025

WEB COPY

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 of the petitioners wife detenue namely Ms.Josephine Pakia, aged about 24 years D/o.Paulbaskar before this Court from the illegal custody of the 3rd respondent.

For Petitioner : Mr. Rajeshwaran. K

For Respondents : Mr.B.Nambi Selvan
No.1 and 2 Additional Public Prosecutor

For R3 : Mr.Subbiah

ORDER

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

The petitioner has filed this habeas corpus petition seeking a direction to the respondents to produce the body of the petitioner's wife detenu namely Josephine Pakia, D/o.Paulbaskar, aged about 24 years before this Court.



H.C.P.(MD) No.991 of 2025

WEB COPY 2. The case of the petitioner is that he has completed Engineering degree.

He is working in a software company. He fell in love with the missing person, namely Josephine Pakia and since they belong to different communities, their love was not accepted by the parents of the said Josephine Pakia and thereby, they got married on 27.07.2025 at a Church. The petitioner's parents have accepted the marriage. While so, on 28.07.2025, the missing person's parents contacted the petitioner and assured that they would arrange a marriage reception and requested to send her along with them to avoid embarrassment to their relatives. Believing the same, the petitioner had sent his wife/detenu Josephine Pakia along with her parents. However, thereafter, the third respondent who is the father of the missing person had kept her in illegal detention. The petitioner had given a complaint before the second respondent. The second respondent has neither taken cognizance of the complaint nor taken any steps to secure his wife and thereby, the petitioner had filed this habeas corpus petition.

3. Pursuant to the order of this Court dated 29.08.2025, the second respondent has produced the missing detenu before us. We enquired her. She submitted that she is aged about 24 years and she fell in love with the petitioner



H.C.P.(MD) No.991 of 2025

WEB COPY

and got married to him on 27.07.2025 at a Church and her parents assured them to arrange a reception and taken her with them back to her house and later, they kept her in illegal detention. She expressed her willingness to go along with the petitioner herein.

4.The petitioner along with his parents is present before us. The petitioner's parents submitted that they are aware of the marriage of their son with the detenu and they have approved the marriage.

5.The parents of the missing person are also present before us. The mother of the detenu submitted that since they belong to two different communities, they do not approve the marriage.

6.Recording the submissions made by the detenu Josephine Pakia and her willingness to go along with the petitioner, the habeas corpus petition stands closed.



H.C.P.(MD) No.991 of 2025

WEB COPY 7. Taking into consideration of the facts, we direct the Inspector of Police, Tiruvattar Police Station, Kanyakumari District to ensure the safety of the petitioner/M.Shammil Raspin and the detenu/Josephine Pakia.

[A.D.J.C., J.] [R.P., J.]
29.08.2025

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

To:

1. The State of Tamilnadu, Rep.,
By the Superintendent of Police,,
Kanniyakumari District,
Nagercoil.
2. The Inspector of Police,
Vadaseri Police Station,
Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

copy to

The Inspector of Police,
Tiruvattar Police Station,
Kanyakumari District.



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H.C.P.(MD) No.991 of 2025

A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

LR

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