



H.C.P.(MD)No.1117 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.09.2025

CORAM:

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

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Hameed Abuthahir

... Petitioner

-VS-

1. State of Tamil Nadu,
Rep. by the Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

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

3.Muthukannu @ Althab

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents to produce the body of detenue namely, Jenathrawab, D/o.Late.Habeeb Mohammed, aged about 23 years, before this Court from illegal detention of the third respondent and set her at liberty.

For Petitioner : Mr.Rahul Priyan
for Mr.P.Jeyasankar

For R1 and R2 : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

(Order of the Court was made by **C.V.Karthikeyan, J.**)

The petitioner, who is the elder cousin of the detenue, filed this Habeas Corpus Petition alleging that his younger cousin, who, according to the verification of the certificate, had crossed the age of 20 years, had been missing since 13.08.2025. He suspected that the third respondent had kidnapped her.

2. Although the petitioner claimed to be her elder brother, it was clarified that he is, in fact, her first cousin and not a blood brother.

3. The respondents 1 and 2 were able to secure the presence of the detenue. Upon enquiry, she stated that she had married the third respondent. Both of them profess the Islamic faith. The marriage was solemnized on 21.08.2025 at a residence, in the presence of a Mouli from the local Jamath and the required number of witnesses. The marriage was subsequently registered in the Register of Marriages maintained under the Tamil Nadu Registration of Marriages Act, 2009, at the Sub-Registrar Office at Pettai.



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4. The learned Additional Public Prosecutor submitted that the factum of marriage was already known to the petitioner. He had lodged a complaint and had also participated in an enquiry conducted at the Pettai Police Station, Tirunelveli, during which the factum of the marriage had been duly informed to him. Suppressing these facts, the petitioner proceeded to file the present Habeas Corpus Petition.

5. The detainee has clearly expressed her willingness to reside with the third respondent, her husband.

6. In view of the above, since she is not in unlawful custody, the Habeas Corpus Petition is not maintainable and is accordingly dismissed.

[C.V.K., J.] [R.V., J.]
15.09.2025

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To

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.



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

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and
R.VIJAYAKUMAR, J.

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