



H.C.P.(MD)No.1236 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

CORAM

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

H.C.P(MD)No.1236 of 2025

Rajalakshmi

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep., by the Superintendent of Police,
Madurai District,
Madurai.
2. The Deputy Superintendent of Police,
Melur Division,
Madurai District.
3. The Inspector of Police,
Melur Police Station,
Madurai District.
4. Nayeem @ Nayeemunnisa
5. A.Ashfaque Ahamed
6. Mydeen Madhaar

... Respondents



H.C.P.(MD)No.1236 of 2025

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, directing the respondents 1 to 3 to produce the body of the petitioner's husband, Seeman, S/o.Muthukaruppan @ Muthukaruppan Ambalam (aged about 60 years), before this Hon'ble Court and to set him at liberty.

For Petitioner : Mr.N.Sathish Babu

For R1 to R3 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

JUDGMENT

(Judgment of the Court was made by **C.V. KARTHIKEYAN, J.**)

This Habeas Corpus Petition has been filed to direct the respondents 1 to 3 to produce the body of the petitioner's husband, Seeman, S/o.Muthukaruppan @ Muthukaruppan Ambalam (aged about 60 years).

2. The Habeas Corpus Petition had been taken up as a lunch motion on being mentioned by the learned counsel appearing for the petitioner. It had been complained that the husband of the petitioner had been forcibly taken away from the normal place of residence in the early morning at 1.30 A.M by the Sub-Inspector of Police at Melur Police Station. It had been stated that efforts



H.C.P.(MD)No.1236 of 2025

were taken by the petitioner to locate her husband, however, she could not find him and therefore, she has filed the present petition seeking urgent orders.

3. When we heard the matter at 2.15 P.M. today, it was informed that the husband of the petitioner had been forcibly taken away by the Sub-Inspector of Police attached to the Melur Police Station owing to a dispute relating to a Patta over a piece of land. The Patta originally stood in the name of the husband of the petitioner and the respondents 4 and 5 herein jointly. Later on an application filed, the Joint Patta was cancelled and the name of the husband of the petitioner was removed from the Joint Patta. In that regard, the husband of the petitioner had filed W.P(MD)No.29085 of 2025 which was listed for hearing today before the learned Single Judge.

4. At this juncture, the Sub-Inspector of Police attached to the Melur Police Station had taken the matter in his own hands and he had taken away the husband of the petitioner to the Police Station. At that time, when he took the husband of the petitioner there was no FIR registered for any cognizable offence. Therefore, there is no plausible reason which could be advanced by the Sub-Inspector of Police attached to the Melur Police Station for forcibly taking away the husband of the petitioner.



H.C.P.(MD)No.1236 of 2025

5. The learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3 stated that on the basis of the complaint which resulted from a dispute over the land, CSR had been registered and subsequently, FIR had been registered against the husband of the petitioner for the offences punishable under Sections 329(3), 296(b), 351(3) of BNSS equivalent to 294(b), 427 and 506(ii) of IPC. But these incidents could not have happened at 1.30 A.M. in the morning. For these offences, there was no necessity to take away the husband of the petitioner in the early morning at 1.30 A.M. from the residential place of petitioner by applying force.

6. We strongly condemn the action of the Sub-Inspector of Police attached to the Melur Police Station in taking law into own hands when he has been appointed to discharge onerous public duty to protect the common citizen from the violation of law.

7. Be that as it may, after we had given reasonable time, the husband of the petitioner had been produced before this Court from Melur Police Station. Realizing the responsibility, the Deputy Superintendent of Police, Melur Sub-division is also present before this Court. He has in fact been impleaded as the second respondent in the Habeas Corpus Petition.



H.C.P.(MD)No.1236 of 2025

WEB COPY 8. We hope that the Senior Officer would revise the entire case diary.

The husband of the petitioner is additionally having physical discomfort and at least that fact could have been taken note of by the Sub-Inspector of Police and he should not have been forcibly taken from his normal place of residence. When we enquired the husband of the petitioner, he stated that he was compelled to write that he would not enter into the land and that he had not given any such undertaking to the Sub-Inspector of Police. It is obvious that taking away of the husband of the petitioner was not due to the complaint, consequent to which, FIR was registered but owing to the dispute over the land.

9. Time and again, Courts have cautioned the police authorities from interfering with civil disputes. We hope that the Sub-Inspector of Police would exercise caution in any of his adventures. However, we have directed a copy of this order to be forwarded to the Superintendent of Police, Madurai District who may take a considered view in the entire issue. The husband of the petitioner had been produced before this Court and had been handed over to the petitioner herein.



H.C.P.(MD)No.1236 of 2025

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10. We hope that the act of either the Sub-Inspector of Police attached to the Melur Police Station or any other officials relating to the land dispute in these particular incidents atleast would not be repeated in the future.

11. With these observations and directions, the Habeas Corpus Petition stands closed.

[C.V.K.,J]

[R.V., J.]

14.10.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



H.C.P.(MD)No.1236 of 2025

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1. The Superintendent of Police,
The Government of Tamil Nadu,
Madurai District,
Madurai.
2. The Deputy Superintendent of Police,
Melur Division,
Madurai District.
3. The Inspector of Police,
Melur Police Station,
Madurai District.



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H.C.P.(MD)No.1236 of 2025

C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

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H.C.P(MD)No.1236 of 2025

14.10.2025