



HCP.No.15 of 2026

WEB COPY

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus, to direct respondents 1 to 4 herein to produce the body and person of the detenu by name Bharathi, S/o Sivasubramaniyan, aged about 34 years before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
assisted by Mr.M.Karthikeyan

ORDER

(Order of the Court was made by P.VELMURUGAN, J.)

The Habeas Corpus Petition is filed seeking a direction to the respondents 1 to 4 herein to produce the body and person of the detenu viz., Bharathi, S/o Sivasubramaniyan, aged about 34 years before this Court and set him at liberty forthwith.

2. It is the case of the petitioner that her husband Bharathi, S/o Sivasubramaniyan, aged about 34 years has been missing since 29.08.2025. Therefore, the petitioner lodged a complaint before the fourth respondent-



HCP.No.15 of 2026

Police, pursuant to which, a case in Crime No.534 of 2025 was registered for "Man Missing". Since no effective progress was forthcoming, the petitioner has approached this Court by way of filing the present petition.

3. The learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the missing person left home of his own accord. It was pointed out that the petitioner herself stated in the complaint that her husband left for work as usual on 29.08.2025 and did not return thereafter, and that his mobile phone was switched off. It was further submitted that the petitioner later came to know that her husband had contacted his sister's husband and sought a sum of Rs.50,000/-, which was deposited into his Bank account, and thereafter, his whereabouts are not known. The learned Additional Public Prosecutor further submitted that the investigation is in progress and that the respondents-Police are taking continuous steps to trace the missing person.

4. Upon consideration of the submissions made by the learned Additional Public Prosecutor and on a perusal of the materials placed on record, it is seen that the missing person left home on his own volition and



HCP.No.15 of 2026

WEB COPY

that there is no material to show that he is under illegal detention. A case has already been registered by the respondents-Police and the investigation is in progress. The petitioner herself admits that her husband left for work as usual and thereafter could not be contacted. In the absence of any allegation or *prima facie* material indicating illegal detention, the extraordinary remedy of Habeas Corpus cannot be invoked. Hence, this petition is not maintainable. Accordingly, the Writ of Habeas Corpus Petition stands dismissed. However, the respondents-Police are directed to proceed with the investigation and file a final report/charge-sheet as expeditiously as possible.

[P.V.,J.] [M.J.R.,J.]
08.01.2026

Index: Yes/No
Neutral Citation: Yes/No
ms



HCP.No.15 of 2026

WEB COPY

To

1. The Superintendent of Police
Office of the District Superintendent of Police
Kallakurichi, Kallakurichi District.

2. The Additional Superintendent of Police
Office of The Additional Superintendent of Police,
Kallakurichi, Kallakurichi District.

3. The Deputy Superintendent of Police
Office of The Deputy Superintendent of Police,
Kallakurichi, Kallakurichi District.

4. The Inspector of Police
Kallakurichi Police Station,
Kallakurichi District.

5. The Public Prosecutor
High Court, Madras.



WEB COPY



HCP.No.15 of 2026
P.VELMURUGAN, J.,
AND
M.JOTHIRAMAN, J.,

ms

H.C.P.No.15 of 2026

08.01.2026