



H.C.P.No.369 of 2026

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.369 of 2026

Prakash

S/o.Venkateshwaralu

... Petitioner

Vs.

State Rep. By

1. Deputy Commissioner of Police

Mylapore Police Station

Royapettah, Chennai

Tamil Nadu.

2. The Inspector of Police

E-2, Royapettah Police Station,

Royapettah, Chennai.

Crime No.327 of 2025

... Respondents



H.C.P.No.369 of 2026

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the 1st and 2nd respondents to produce the petitioner's brother Praveen, S/o.Venkateshwaralu, aged about 24 years before this Court and set him at liberty.

For Petitioner : Mr.C.Balaji

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor
assisted by Mr.M.Karthikeyan

ORDER

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

This Writ of Habeas Corpus Petition has been filed seeking a direction to the respondents-Police to produce the petitioner's brother namely, Praveen, aged about 24 years, before this Court and set him at liberty.

2. Heard both sides and perused the materials available on record.

3. According to the petitioner, on 29.12.2025 at about 1.00 p.m. the petitioner's brother went to Madhavaram to meet his client and did not return to his residence as assured. Thereafter, the petitioner lodged a



H.C.P.No.369 of 2026

WEB COPY

complaint before the second respondent on 30.12.2025 seeking to secure the detenu and the same was registered as Crime No.327 of 2025 under the head “man missing”. Since there was no effective response from the second respondent-police, the present petition has been filed seeking production of the detenu.

4. The learned Additional Public Prosecutor appearing for the respondents – Police submitted that the detenu was neither kidnapped nor abducted and that he had eloped with the wife of his friend, Udayakumar. It was further submitted that the said Udayakumar had also lodged a complaint, which was registered as Crime No.326 of 2025 on 30.12.2025. The learned Additional Public Prosecutor further submitted that since the detenu had voluntarily eloped with Udayakumar’s wife, there is no illegal detention.

5. Considering the facts and circumstances of the case and the submissions made by the learned Additional Public Prosecutor appearing for the respondents-Police, this Court is of the view that the alleged detenu (the petitioner’s brother) is not in any illegal custody.



H.C.P.No.369 of 2026

WEB COPY

6. It is well settled that a Writ of Habeas Corpus is maintainable only in cases of illegal detention. Where a person of majority has left their residence of their own free will, the essential element of 'illegal detention' is conspicuously absent. In the absence of cogent foundational material suggesting that the alleged detention is being held against their will, this Court cannot invoke its extraordinary jurisdiction under Article 226 of the Constitution of India. Hence, the present petition is liable to be dismissed.

Accordingly, this Habeas Corpus Petition is dismissed.

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

27.02.2026

Index: Yes/No

Neutral Citation

Speaking / Non Speaking

ms



WEB COPY



H.C.P.No.369 of 2026

To

1. The Deputy Commissioner of Police
Mylapore Police Station
Royapettah, Chennai, Tamil Nadu.
2. The Inspector of Police
E-2, Royapettah Police Station,
Royapettah, Chennai.
3. The Public Prosecutor
High Court, Madras.



WEB COPY



H.C.P.No.369 of 2026

P.VELMURUGAN, J.,

AND

M.JOTHIRAMAN, J.,

ms

H.C.P.No.369 of 2026

27.02.2026