



H.C.P.(MD)No.64 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

and

THE HONOURABLE MS.JUSTICE R.POORNIMA

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Jamine Banu

... Petitioner

-VS-

1.The Union of India

Rep by The Secretary to the Government

Ministry of External Affairs

Jawahar Lal Nehru Bhavan

South Block

New Delhi.

2.The Union of India

Rep by The Secretary to the Government

Ministry of Overseas Indian Affairs

Abkar Bhavan

Chanakayapurai

New Delhi.

3.His Excellency

The High Commission of India

Indian High Commission

Baitussyifaa

Simpang 40-22

Jalan Sungai Akar



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Bandar Seri Begawan
BC 3915
Brunei Darussalam.

4.The District Collector
Pudukkottai District.

5.The Superintendent of Police
Pudukkottai District.

6.The Inspector of Police
Kottaipattinam Police Station
Pudukkottai District.

7.Jabar Sadiq

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents to secure and produce the person of the detainee Abdul Kapoor, S/o.Shahul Hammed aged about 47 years before this Court and set him at liberty.

For Petitioner : Mr.T.Lenin Kumar

For R4 to R6 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R1 to R3 : Mr.K.Govindarjan
Deputy Solicitor General of India



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ORDER

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(Order of the Court was made by **G.K.ILANTHIRAIYAN, J.**)

This Habeus Corpus Petition has been filed to direct the respondents to secure and produce the person of the detainee Abdul Kapoor, S/o.Shahul Hammed aged about 47 years before this Court and set him at liberty.

2. The petitioner is the wife of the detainee namely Abdul Kapoor. He went to Brunei for employment under the third respondent. During his employment he did not return back to India for the reason best known to the seventh respondent herein. Therefore the petitioner lodged compliant before the sixth respondent alleging that her husband was illegally detained by the seventh respondent.

3. On instructions, the learned counsel appearing for the third respondent submitted that the husband of the petitioner committed misappropriation to the tune of 6,00,000 Brunei Dollas which caused



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huge loss to his employer and therefore he is facing criminal prosecution.

4. The learned Additional Public Prosecutor appearing for the respondents 4 to 6 would submit that when the husband of the petitioner is facing prosecution in abroad he has to approach the third respondent for appropriate relief. When the detenu is facing prosecution in abroad, the Habeus Corpus Petition is not maintainable and he is not under illegal detention of any one.

5. Hence, the Habeus Corpus Petition stands dismissed

[G.K.I., J.] [R.P., J.]

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To

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2.The Secretary to the Government
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Ministry of Overseas Indian Affairs
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7.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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and
R.POORNIMA, J.

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