



H.C.P.(MD) No.646 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.05.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

H.C.P.(MD) No.646 of 2026

R.Prabhu

... Petitioner

-VS-

1.State of Tamil Nadu
rep.by The Superintendent of Police
Madurai, Madurai District

2.The Inspector of Police
Thirumangalam Town Police Station
Madurai District

3.N.Baskara Pandiyan @ Ashwin

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 & 2 to produce the body or person of the detenuess' petitioner's wife, namely, Malathi, wife of R.Prabhu, aged about 32 years and petitioner's son namely, Kabish son of R.Prabhu, aged about 2 years before this Court and set them at liberty.



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For Petitioner : Ms.Swetha

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor for R1 & R2

ORDER

[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]

The petitioner has filed this habeas corpus petition seeking a direction to the respondents to secure his wife, namely, Malathi, aged about 32 years and son, namely, Kabish, aged about 2 years, produce them before this Court and set them at liberty.

2. The petitioner herein is the husband of the first detenu, namely, Malathi and father of the second detenu, namely, Kabish. The petitioner lodged a complaint before the respondent – Police alleging that his wife and child are found missing from 20.03.2026. On receipt of the said complaint, the respondent – Police registered a case in Crime No.143 of 2016.

3. Learned Additional Public Prosecutor appearing for the respondents 1 & 2, on instructions, submitted that the petitioner's wife has gone with the third respondent and she is living with him along with her



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children. In fact, on the earlier occasion, the petitioner's wife went along with the third respondent and on the petitioner's compulsion, she returned to the matrimonial home. Once again, she has gone along with the third respondent and now, she is living with him.

4. In view of the above submission of the learned Additional Public Prosecutor, this Court is of the view that the detinue is not in illegal detention of anybody. That apart, the minor son is with the custody of the mother and it does not amount to any illegal detention. Hence, this habeas corpus petition is not maintainable.

5. Accordingly, this habeas corpus petition is dismissed. However, the petitioner is at liberty to approach the Family Court for appropriate relief for seeking custody of children.

[G.K.I., J.] [K.R.S., J.]
13.05.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Superintendent of Police,
Madurai, Madurai District.
- 2.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.
AND
K.RAJASEKAR, J.

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