



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.05.2026

CORAM

**THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MR.JUSTICE P.VADAMALAI**

H.C.P.(MD)No.682 of 2026

Sanjeeviraj

.. Petitioner / husband of
the detenu

Vs.

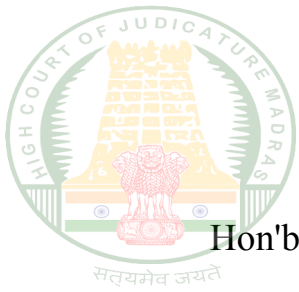
1. The State of Tamil Nadu,
Rep By,
The Superintendent of Police,
District Superintendent of Police Office,
Virudhunagar District.

2. The Inspector of Police,
Rajapalayam North Police Station,
Rajapalayam,
Virudhunagar District.
Cr.No.218/2026.

3. Ganesan

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents 1 and 2 to produce the person or body of the petitioner's wife named Senthamilselvi, W/o.Sanjeeviraj, aged about 24 years old and the petitioner's daughter namely Saara, D/o.Sanjeeviraj, aged about 11 months old before this



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Hon'ble Court and set them at liberty.

For Petitioner : Mr. P.Ponraj

For R1 & R2 : Mr.T.Lenin Kumar
Counsel for State of Tamil Nadu
(Crl.Side)

ORDER

(Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**)

This Habeas Corpus Petition has been filed seeking a direction to the respondents therein to produce the body/person of the petitioner's wife, namely Senthamilselvi, W/o. Sanjeeviraj, aged about 24 years, and the petitioner's daughter, namely Saara, D/o. Sanjeeviraj, aged about 11 months, before this Hon'ble Court and set them at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the State.

3. From the facts this Court finds that this Habeas Corpus Petition is in respect of person who is simply missing and not under unlawful detention. Unlawful detention is *sine qua non* for issuance of Writ of Habeas Corpus.



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4. The Division Bench of this Court in H.C.P.(MD) Nos.793 and 658

of 2025 has relied on the following orders:

a) Simmi Bai .vs. Shrimaan Police Mahanirishak Mahodaya and others (2025 SCC OnLine MP 893)

b) H.C.P.No.2191 of 2017 (Kalaifarasi vs. State) dated 7.5.2018

c) K.Sukumari vs. The Superintendent of Police (Crl.O.P.(MD) No. 19255 of 2016 dated 18.9.2018)

and has held that Habeas Corpus Petition in respect of missing person whose detention is not stated to be unlawful/illegal is not maintainable.

4. In view of the above, this Habeas Corpus Petition stands disposed of with a direction to respondents 1 and 2 to effectively pursue the investigation for tracing the missing persons in the present case. Accordingly, the investigating officer shall continue the investigation and take all necessary steps to trace the missing persons.

[A.D.J.C., J.] [P.V.M., J.]
27.05.2026

Index : Yes/No
Internet : Yes/No



Neutral Citation : Yes/No

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To

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1. The Superintendent of Police,
District Superintendent of Police Office,
Virudhunagar District.

2. The Inspector of Police,
Rajapalayam North Police Station,
Rajapalayam,
Virudhunagar District.



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**A.D.JAGADISH CHANDIRA ,J.
AND
P.VADAMALAI,J.**

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