



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.684 of 2026

Sivasakthi

.. Petitioner / wife of
the detenu

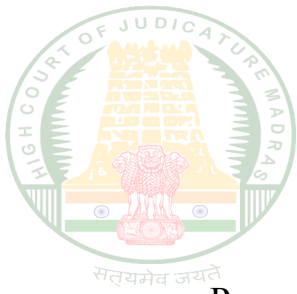
Vs.

1. The State of Tamil Nadu,
Rep By, The Superintendent of Police,
O/o.The Superintendent of Police,
Ramanathapuram District.

2. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

3. The Inspector of Police,
Nainarkovil Police Station,
Paramakudi Circle,
Ramanathapuram District.

.. Respondents



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Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents 1 to 3 to secure and produce the person or body of the petitioner's husband Sakthi, aged about 35 years, S/o.Chandran, the detenue herein before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. R.Murugan
For R1 to R3 : Mr.T.Lenin Kumar
Additional Public Prosecutor

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 person/body of the petitioner's husband, namely Sakthi, aged about 35 years, S/o. Chandran, the detenue herein, before this Hon'ble Court and set him at liberty.

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



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3. When the matter was taken up for hearing, Mr. T.Lenin Kumar, learned counsel appearing for the State of Tamil Nadu, submitted that, based on a complaint given by the petitioner, a case in Crime No.95 of 2025 had been registered. During the course of inquiry, it came to light that the detenu/alleged missing person had borrowed money from several persons and in order to evade repayment, he is hiding himself after giving the complaint.

4. 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.

5. The Division Bench of this Court in H.C.P.(MD) Nos.793 and 658 of 2025 has relied 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 (Kalaiaarasi 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)

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

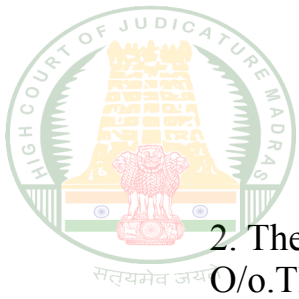
6. In view of the above, this Habeas Corpus Petition stands disposed of with a direction to respondents 1 and 2 to effectively pursue the investigation for tracing the missing person in the present case. Accordingly, the investigating officer shall continue the investigation and take all necessary steps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

To

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O/o.The Superintendent of Police,
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**A.D.JAGADISH CHANDIRA ,J.
AND
P.VADAMALAI,J.**

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