



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.693 of 2026

Baskaran

.. Petitioner / father of
the detenu

Vs.

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Madurai District.

2. The State of Tamilnadu
Rep By the Inspector of Police,
Appanthirupathi, Police Station,
Madurai.

.. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the person or body of the detenue by name Rajapriya D/o.Baskaran aged 32 before this Honble Court and set her at liberty.

For Petitioner : Mr. R.Manoharan

For R1 & R2 : Mr.T.Lenin Kumar
Additional Public Prosecutor



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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 daughter, namely Rajapriya, D/o. Baskaran, aged about 32 years, before this Hon'ble Court and set her 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.

4. The Division Bench of this Court in H.C.P.(MD) Nos.793 and 658 of 2025 has relied on the following orders:



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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

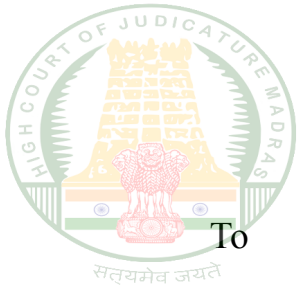
c) K.Sukumari vs. The Superintendent of Police (Crl.O.P.(MD) No. 19255 of 2016 dated 18.9.2018)

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

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