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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

AND

THE HON'BLE MR JUSTICE P.DHANABAL

H.C.P.(MD)No.335 of 2026

S.Murugan .. Petitioner / husband and father of the detenues
Vs.

1.The Superintendent of Police,
Tenkasi District, Tenkasi.

2.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.

3.Raja .. Respondents

Prayer :Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondent Nos.1 and 2 to produce the body or person of the detenues, namely Bhavani, w/o Murugan, aged about 23 years, Kanish, aged about 3 ½ years and Bavishna, aged about two years before this Court and set them at liberty.



For Petitioner : Mr.V.M.Jegadeesha Pandian
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

This Habeas Corpus Petition has been filed seeking a direction to the first and second respondents to produce the body or person of the detainee, namely, Bhavani, who is the wife of the petitioner and who had gone missing along with their two children, aged about 3 ½ years and 2 years respectively.

2. The case of the petitioner is that he was married to one Bhavani, and out of the marriage, two children were born, who are now aged about 3 ½ years and 2 years respectively. All of a sudden, from 06.03.2026 onwards, the detainee has gone missing along with the two children. In spite of best efforts, the petitioner was not able to trace the whereabouts of the detainee and two children.



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3. In view of the above, the petitioner gave a complaint to the second respondent and the second respondent based on the same, registered a 'Woman missing FIR' in Crime No.58 of 2026 on 07.03.2026.

4. The grievance of the petitioner is that the second respondent is not taking effective steps to find the whereabouts of the detainee and that there is a grave danger to the detainee and two children in the hands of the third respondent. It is under these circumstances, the present Habeas Corpus Petition came to be filed before this Court.

5. The learned Additional Public Prosecutor, on instructions, submitted that the detainee seems to have developed an illicit relationship with the third respondent and she has gone along with the third respondent. While being so, she also took away the children.

6. The learned counsel appearing for the petitioner submitted that the petitioner is more concerned about the interest of the two children, who are aged about 3 ½ years and 2 years respectively and therefore, the second respondent must be directed to produce the detainee as well as his two children.



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7. Insofar as the detinue, who is the wife of the petitioner is concerned, she seems to have developed a relationship with the third respondent. Therefore, if she chooses to go along with the third respondent, there is nothing much that can be done in a Habeas Corpus Petition and the petitioner has to necessarily work out his remedy against his wife before the concerned Court. However, this Court is more concerned about the two children, who have been taken away by the detinue.

8. In view of the above discussion, there shall be a direction to the second respondent to find the whereabouts of the detinue and two children and they shall be produced before the learned Judicial Magistrate, Alangulam as expeditiously as possible. On the date of production of the detinue and the two children, the petitioner shall be put on notice. The learned Judicial Magistrate shall record the statement of the detinue. Insofar as two children are concerned, the learned Judicial Magistrate shall talk with them and ascertain from them and proceed further to take necessary decision in accordance with law. A report shall also be sent to this Court in this regard.



WEB COPY 9. This Habeas Corpus Petition is disposed of in the above terms.

(N.A.V.,J..) (P.D.B.,J.,)
17.03.2026

Index : Yes / No
Internet : Yes / No
TSG

- To
- 1.The Judicial Magistrate, Alangulam.
 - 2.The Superintendent of Police,
Tenkasi District, Tenkasi.
 - 3.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District..
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**N. ANAND VENKATESH,J.
AND
P.DHANABAL,J.**

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