

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P. No.1239 of 2015

Saraswathi

... Petitioner

-v-

1.The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.

2.Rajagopal

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the first respondent to secure the petitioner's mother Muthammal, aged 96 years, wife of Venkatachalam, is presently under the illegal custody of the second respondent, directing to produce body or person before this Court and thereafter, hand over her to the petitioner or to set her liberty on her own accord.

For Petitioner : Mr.B.Vasudevan

For Respondents : Mr.A.N.Thambidurai
Addl. Public Prosecutor for R1

O R D E R

(Order of the Court was made by S.TAMILVANAN,J.)

This petition has been filed under Article 226 of the Constitution of India, by the petitioner/daughter of the detainee Muthammal, aged about 96 years, directing the first respondent to produce the petitioner's mother, who is in the custody of the second respondent, none other than the son of the alleged detainee, before this Court and to set her at liberty.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public prosecutor appearing for the first respondent.

3.It is an admitted fact that the petitioner is a married daughter of the alleged detainee, Tmt.Muthammal, wife of Venkatachalam. The second respondent is the son of the said Muthammal. However, the petitioner has alleged that the detainee Muthammal is in illegal detention of the second respondent. It would reveals that there was a number of civil disputes between the petitioner and the second respondent.

4.Learned Additional Public Prosecutor has also produced a xerox copy of the statement of Muthammal, the alleged detainee, wherein, she has stated that she is willing to live with the second respondent herein and there is no illegal detention by anybody.

5.On the aforesaid facts and circumstances, we are of the view that filing this type of petition would be construed only as an abuse of process of law. Hence, this petition is dismissed as there is no merit in this petition.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

kal

To

1.The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District.

2.The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

H.C.P. No.1239 of 2015

MSM(CO)
kk 22/6

सत्यमेव जयते

WEB COPY