

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.10.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

H.C.P. No.2686 of 2015

R.K.Baskar

... Petitioner

-v-

1.Commissioner of Police,
Vepery, Chennai-600 007.

2.Inspector of Police,
S-9, Palavanthangal Police Station,
Chennai.

3.B.Mahalakshmi

4.R.K.Chandrasekar

... 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 respondent police herein to produce the person of the detenu Krishnamurthy, S/o.Vasudeva Chetty, male aged about 83 years, from the illegal custody of respondents 3 and 4 herein, before this Court and to set him at liberty.

For Petitioner: Mr.J.Raju

For Respondents: Mr.A.N.Thambi Durai,
APP for R1 and R2

O R D E R

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

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

2.It is an admitted case of the petitioner that petitioner is the son of the detenu Krishnamurthy, S/o.Vasudeva Chetty, aged about 83 years, fourth respondent is also another son of

the said detenu and third respondent is the wife of the said detenu. In the prayer itself, the petitioner sought direction to respondent police to produce the detenu Krishnamurthy, from the illegal custody of respondents 3 and 4, before this Court.

3. On the aforesaid circumstances, when the alleged detenu is with his wife and son, it cannot be construed as illegal detention. Further, it is strange to note that the petitioner's address is stated as No.4, 25th street, Nanganallur, Chennai-61 and the fourth respondent address is also stated as the same address. Hence, when both are residing in the same address, filing this petition seeking production of his father, as if he is in the illegal custody of his own mother and brother, would be construed only as an abuse of process of law and Court. If there is any property dispute, they can seek their remedy before the Civil Court. Therefore, we are of the view that this petition is liable to be dismissed. Accordingly, the petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. Commissioner of Police,
Vepery, Chennai-600 007.

2. Inspector of Police,
S-9, Palavanthangal Police Station,
Chennai.

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

WEB COPY

H.C.P. No.2686 of 2015

aa19/11/2015