



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.1746 of 2015

R.Karmegam

: Petitioner

Vs.

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

2.The Sub Inspector of Police,  
Melur Police Station (Town),  
Madurai District.

3.Elango

4.Elamurugu

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the petitioner's mother Ammalu Ammal W/o Ramachandran aged 75 physically, from illegal custody of the respondents 3 & 4 before this Court and set her at liberty.

For Petitioner : Mr.N.Sundaresan

For R1 & R2 : Mr.R.Ramachandran

Additional Public Prosecutor

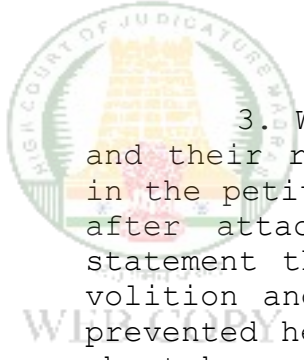
For R3 and R4 : Mr.R.Ramasamy

## O R D E R

[Order of the Court was made by P.R.SHIVAKUMAR,J]

The petitioner is one of the sons of the alleged detenu Ammalu Ammal w/o Ramachandran aged about 75 years. The Habeas Corpus Petition came to be filed complaining that the respondents 3 and 4 herein are keeping her in illegal custody against her will and praying that she must be produced and set at liberty.

2. The Habeas Corpus Petition has been listed today for admission. However, as an enquiry was conducted by the Inspector of Police, Melur Town Police Station based on the complaint of the petitioner, the second respondent (the Sub-Inspector of Police) seems to have given information to the respondents 3 and 4 regarding the filing of the Habeas Corpus Petition and the hearing date. Hence, the respondents 3 and 4, who are none other than the sons- in- law of Ammalu Ammal, have chosen to enter appearance through Mr.R.Ramasamy, learned counsel. The alleged detenu Ammalu Ammal is personally present. The respondents 3 and 4 are also personally present. The petitioner, who is a practising advocate, is also present and he is represented by Mr.N.Sundaresan, Advocate.



3. When Ammalu Ammal is questioned in the presence of the parties and their respective Advocates, she states that she is not having faith in the petitioner, as, according to her, he drove away her from her house after attacking her and hitting her with stone. It is her further statement that she is living at Vellalapatti with her mother on her own volition and that no one is keeping her in his/her custody and none has prevented her from moving about according to her wishes. When questioned about her preference be with her mother when her daughters are there, she would state that she considers it to be a disgrace to go to the houses of sons-in-law and the same was the reason why she preferred to go with her mother. During the course of her statement, she exhibited her utmost dislike towards the petitioner. She makes it clear that she does not want to go with the petitioner and she is not even prepared to see his face. Such an emotional episode has been witnessed by this Court. On considering the said statement of Ammalu Ammal, this Court feels that there is no prima facie case made out for the alleged illegal custody of Ammalu Ammal and on the other hand, it is made clear that she is free and with full of her liberties.

4. In view of the above observation, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(Per.Admn)

/True copy/

Sub AssistantRegistrar

To

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

2.The Sub Inspector of Police,  
Melur Police Station (Town),  
Madurai District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.R.Ramasamy, Advocate SR.No.72231  
+1cc to Mr.N.Sundaresan, Advocate SR.No.72035

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Order Made in  
H.C.P (MD) No.1746 of 2015  
Dated: 16.12.2015