

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.8.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1836 of 2016

S. Janaki

... Petitioner

Vs.

1. The Commissioner of Police,
Chennai City.

2. The Inspector of Police,
T4, Maduravoyal Police Station,
Chennai.

3. K.Sathayabama

4. Dr.Gopala Krishnan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondent 1 to 4 to produce the person and body of the son of S.Krishnan male aged about 45 years s/o. M.Srinivasan before this Court and handed over his custody to the petitioner herein.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of one Mr.Krishnan, son of M.Srinivasan aged 45 years. The 3rd respondent is the wife of Mr.Krishnan. According to the petitioner, Mr.Krishnan has been detained illegally by the 4th respondent. Therefore, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. The learned Additional Public Prosecutor on instructions would submit that Mr.Krishnan is mentally ill and he has been admitted at Ashram Foundation run by the 4th respondent for treatment. He was admitted only by the 3rd respondent, namely, wife of Mr.Krishnan. Thus, according to the learned Additional Public Prosecutor, there is no illegal detention. We find force in the said submission made by the learned Additional Public Prosecutor.

4. From the narration of facts, it is crystal clear that the detenu is not legally detained. In fact, he is only under the care and custody of the 3rd respondent, namely his wife giving treatment under the 4th respondent.

5. In view of the above, no relief as prayed for by the petitioner could be granted in this petition. Therefore, this petition is dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Chennai City.
2. The Inspector of Police,
T4, Maduravoyal Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1836 of 2016

BVR(CO)
CA(19/09/2016)