

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1310 of 2017

M.Amudha

... Petitioner

Vs.

1. The Inspector of Police,
H-8, Police Station,
Thiruvottiyur,
Chennai - 600 019.

2. S.Thameem Jerina

3. The Superintendent of Police,
Thiruvallur District,
Chinna Ekkadu, Jaya Nagar,
Thiruvallur - 602 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 1st respondent to produce the petitioner's son T.M.Rajesh, aged about 33 years, before this Court and set him at liberty.

For Petitioner : Mr.P.V.Selvarajan
for Ms. T.Kavitha

For Respondent 1 & 3 : Mr.V.M.R.Rajentran,
Addl. Public Prosecutor

For Respondent No.2 : No appearance

ORDER

(Order of the Court was made by RAJIV SHAKDHER, J)

1. This matter came up for hearing on 10.11.2017, when, we had re-notified the matter for 17.11.2017.

1.1. We had also, inter alia, directed the presence of Deputy Commissioner of Police, Washermenpet, in Court, on the said date i.e., 17.11.2017.

2. Today (15.11.2017), however, the learned Additional Public Prosecutor (APP) mentioned the matter and informed us that the detainee has been secured and, therefore, the matter be taken up.

2.1. We indicated that we will take up the matter, only if, the petitioner's counsel and the petitioner is present in Court.

3. Accordingly, the matter was listed today, in the afternoon session and a supplementary cause list was also taken out for this purpose by the Registry.

4. We interacted with the petitioner, who is the mother of the detainee, and with the detainee as well.

4.1. It is, broadly, the assertion of the petitioner that the detainee, i.e., her son was under the influence of the second respondent i.e. Ms.S.Thameem Jerina. It appears that the second respondent was a tenant of the premises owned by the petitioner.

4.2. There is also an allegation made in the petition that the detainee, i.e., her son had defalcated a sum of Rs.18,00,000/- out of Rs.22,00,000/- obtained by her from sale of an immovable property and handed over the same to the second respondent.

4.3. There is a further allegation by the petitioner that the second respondent has produced a mortgage deed which allegedly was executed upon a sum of Rs.12,50,000/- having ostensibly been paid by the second respondent to the detainee.

4.4. Given this background, the petitioner, apparently, has filed two complaints against the second respondent i.e. C.S.R.No.276 of 2016 and C.S.R.No.864 of 2016.

4.5. The detainee, however, denies these assertions made in the petition by his mother i.e. the petitioner.

5. Having regard to the aforesaid facts and circumstances, we are inclined to close the petition, as the only prayer made in the captioned petition was to secure the detainee. The detainee having been secured, other grievances, which the petitioner may have, will have to be worked out in accordance with law. Needless to say that the State will ensure that the aforementioned complaints filed by the petitioner are actioned in accordance with law. No further orders are called for. The petition is, accordingly, consigned to record.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
H-8, Police Station,
Thiruvottiyur,
Chennai - 600 019.
2. The Superintendent of Police,
Thiruvallur District,
Chinna Ekkadu, Jaya Nagar,
Thiruvallur - 602 001.
3. The Public Prosecutor,
Madras High Court,
Chennai.

H.C.P.No.1310 of 2017

SS(CO)
EU(21/12/2017)



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