

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.03.2018

Coram

THE HON'BLE MR.JUSTICE C.T.SELVAM
and
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.414 of 2018

M.K.M.Sheeba Rani

... Petitioner

Vs.

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police,
Mylapore Range,
Mylapore, Chennai - 600 004.
3. The Assistant Commissioner of Police,
Kotturpuram Range,
Kotturpuram, Chennai - 600 085.
4. The Inspector of Police,
J-4 Kotturpuram Police Station,
Chennai - 600 085.
5. M.K.Arivunithi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents to produce the petitioner's father namely M.K.Muthu, Male, aged about 75 years, S/o.M.Karunanithi before this Court and set him liberty.

For Petitioner : Mr.M.L.Rajesh

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor R1 to 4
Mr.S.Ravichandran, R5

O R D E R

(Order of the Court was made by C.T.SELVAM, J.)

This petition has been filed to direct the respondents to produce the petitioner's father namely M.K.Muthu S/o.M.Karunanithi before this Court and set him liberty.

2. This petition has been filed by the petitioner informing that she is the daughter of M.K.Muthu, S/o.M.Karunanithi and that he had been illegally confined by fifth respondent.

3. Our Order dated 15.03.2018 reads as follows :

In response to summons issued by 4th respondent on 02.03.2018, petitioner has on 07.03.2018 informed her unwillingness to attend enquiry of the 4th respondent.

2. Presently learned counsel for petitioner submits that the petitioner is willing to co-operate in the enquiry to be conducted by the fourth respondent.

3. Petitioner is directed to appear before fourth respondent on 16.03.2018 at 10.30.a.m.

4. Post on 20.03.2018.

5. We must record that we are least impressed with the apparent fanfare visiting this matter."

4. Further, our Order dated 20.03.2018 reads as follows :

"Learned Addition Public Prosecutor submits that pursuant to the Order of this Court, petitioner appeared before the fourth respondent and her statement has been recorded.

Although this Court has not issued notice to the fifth respondent, Mr.S.Ravichandran, learned counsel intend to enter appearance on behalf of fifth respondent towards producing affidavit of his father that he is not suffering any wrongful detention.

Post on 21.03.2018 for filing of affidavit as undertaken."

5. Presently an affidavit has been filed by the alleged detainee interrelia informing that he is not the father of the petitioner and that he is residing with his son, who takes good care of him.

6. Learned counsel for petitioner submit that detainee is under coercion and referred us to photographs of birth certificate, transfer certificate as also other papers to impress upon us that the petitioner is daughter of detainee Mr.M.K.Muthu. An affidavit sworn to by the detainee and duly attested by an advocate informs us that he is not in any illegal confinement

8. Right of the petitioner, if any, is to be worked out before appropriate forum. It is not for this Court to suggest any relationship as claimed or informed.

9. In the circumstances, this petition stands dismissed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

vrc

To

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
 2. The Deputy Commissioner of Police,
Mylapore Range,
Mylapore, Chennai - 600 004.
 3. The Assistant Commissioner of Police,
Kotturpuram Range,
Kotturpuram, Chennai - 600 085
 4. The Inspector of Police,
J-4 Kotturpuram Police Station,
Chennai - 600 085.
 5. The Public Prosecutor,
Madras High Court, Chennai.
- +1 CC to Mr.S. Ravichandran, Advocate sr 21323.
+2 Ccs to Mr.M.L. Rajesh, Advocate sr 21656.

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SSI (CO)
SP(19/04/2018)