



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE R. SUBBIAH
AND
THE HONOURABLE MRS. JUSTICE R. THARANI**

H.C.P. (MD) No. 1644 of 2018

Kanagalakshmi

: Petitioner

Vs.

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

2. The Inspector of Police,
Town Police Station,
Aruppukottai
Virudhunagar District.

3. The Inspector of Police,
All women Police Station,
Aruppukottai
Virudhunagar District.

4. Muthubhavani

5. Peace Rescue
Alcohol Drug Psychiatric
No. 421 and 427 Singapore Main Road
Kallampatti, Alagarkovil
Madurai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 to 3 to produce the person or body of petitioner's son, the detenu, namely, Pandiaraj, S/o. Late Solaichamy aged about 29 years, before this Court and set him liberty.

For Petitioner

: Mr. S. Poornachandran

For Respondents

: Mr. V. Neelakandan for R1 to R3
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R. SUBBIAH, J**]

<https://hcservices.ecourts.gov.in/hcservices/>
This Habeas Corpus Petition has been filed by the petitioner to produce her son, the detenu, namely, Solaichamy, aged 29 years, before this Court.



2. The petitioner is the mother of the detenu. In the affidavit, it is averred that the marriage between her son and the fourth respondent took place on 29.08.2014 and they have been blessed with two children and they have been living with the petitioner in her village. While so, since the detenu was found missing, the petitioner enquired the fourth respondent/daughter-in-law about the whereabouts of her son. However, she stated that her son was admitted in the Meenakshi Mission Hospital, Madurai. Later on, the petitioner came to know that the fourth respondent had admitted the detenu in the fifth respondent deaddiction centre. Since her son did not return, the petitioner has given a complaint to the respondent police on 08.11.2018. Since no effective steps were taken, the petitioner is before this Court with this petition.

3. Today, when the matter is taken up for consideration, the detenu has been produced by the respondent police from the fifth respondent Centre. When we enquired the petitioner, she has stated that her son is not an alcoholic and he may be sent back to his native place. However, the fourth respondent/wife has stated that her husband is a drunkard and since he was not in a position to carry on his avocation, he was admitted in the fifth respondent de-addiction Centre.

4. In view of the submission made by the fourth respondent, we are of the opinion that the detenu is not in the illegal custody. Therefore, this petition is not maintainable. Accordingly, this petition is dismissed.

Sd/-
Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar(cs-III)

To

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

2. The Inspector of Police,
Town Police Station,
Aruppukottai
Virudhunagar District.

3. The Inspector of Police,
All women Police Station,
Aruppukottai
Virudhunagar District.



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

WEB COPY

RR

SPSKN SAR3 11.12.2018 3P 5C

Order made in
H.C.P. (MD) No.1644 of 2018
30.11.2018