

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.1862 of 2018

Saroja Muthu .. Petitioner
Versus

1.The State through Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai-93.

2. Mrs.P.Kalaivani Purushothaman .. Respondents
*R2 Impleaded as per order dated 01.04.2019
made in CRL MP.4644/19

Prayer:- Petition filed under Article 226 of the
Constitution of India praying for issuance of a writ of
habeas corpus directing the respondent to produce the
detenue Brindha, D/o.Muthu, aged about 64 years, before
this Hon'ble Court and set her at liberty.

For Petitioner : M/s.Thenmozhi Shivaperumal
For Respondent R1: Mr.C.Iyyappa Raj,
Additional Public Prosecutor
For Respondent R2: Mr.C.SeethapathY

सत्यमेव जयते

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the mother of the detenue. The
detenue is the mother of the 2nd respondent and alleging
that the detenue is under illegal custody of 2nd
respondent, the present petition has been filed.

2. The learned counsel appearing for the petitioner
submits that the detenue has been taken illegally and
kept under the custody of the 2nd respondent.

3. The learned counsel for the 2nd respondent has
submitted that there is a civil suit filed by the
petitioner against the detenue and it appears that there
was a Settlement Deed executed by the detenue in favour
of the 2nd respondent, which was subsequently cancelled.

4. We are not concerned with the above said proceedings. Therefore, this is an attempt to challenge the Civil Suit by seeking to secure the presence of the detainee. The detainee has been taken good care by the 2nd respondent. The petitioner was well aware of the whereabouts of the detainee.

5. The learned Additional Public Prosecutor on instructions has informed us that the petitioner has spoken to the detainee over Skype. The learned counsel for the petitioner has also acknowledged the above said fact. Therefore, we find no illegal detention in the case on hand. Admittedly, the petitioner herself has filed a Civil Suit which is pending consideration before this Court by arraying the detainee and the 2nd respondent herein as parties. Now the detainee is in the care and custody of the 2nd respondent. The relationship between the parties is not in dispute.

6. In such view of the matter, we do not find any illegal detention, as the petitioner herself has admitted the fact that she has spoken to the detainee, sometime before. Accordingly, this Habeas Corpus Petition stands closed. We also make it clear that the observation made by us in this petition will not have any bearing in the pending Civil Suit.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai-93.

2.The Public Prosecutor
High Court, Madras.

+1cc to M/s.Thenmozhi Shivaperumal Advocate SR.No. 45710

+1cc to Mr. C.Seethapathy, Advocate SR.No. 45595

HCP.No.1862 of 2018

A.SK(27/06/2019)