IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17..07..2019

CORAM

THE HONOURABLE MR JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Habeas Corpus Petition No.1189 of 2019

Mrs.R.Cicily

... Petitioner

-Vs-

1.The Superintendent of Police,
Coimbatore Police Station,
Coimbatore District.

2.The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner's daughter Mrs.Mary Stella, wife of Antony Raj, before this court and set her free.

For Petitioner : Mr.M.Manivasagam
for M/s.M.Manivasagam
Associates

For Respondents : Mr.C.Iyyapparaj, APP for
RR1 and 2

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the mother of the detenue - Mrs.Mary Stella, Wife of Antony Raj. She has come up with this petition seeking a direction to the respondents for production of her missing daughter, the detenue.

2. The father of the detenue, detenue and the husband of the detenue are present. This is not a case of illegal detention. This is a dispute with respect to taking care of the petitioner either by her husband, who is the father of the detenue; or by the detenue and her husband.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3. The detenue and her husband gave a different picture. They also produced few documents, which would indicate that the father of the detenue is going on giving complaint against the detenue and her husband one after other before the police station at Coimbatore. Interaction with the parties would clearly indicate that the dispute revolves around care to be provided to the petitioner, who is stated to be very ill and also suffering from age related problem. She is even unable to move out. The husband of the petitioner, who is the father of the detenue has informed us that he has got no objection, if the petitioner is taken to Coimbatore in Ambulance as she is not in a position to move around. The husband of the detenue in all fairness has stated before us that he would take care of his ailing mother-in-law.

4. In such view of the matter, on agreed terms, we permit the detenue and her husband to go over to the place of the petitioner and take her in an Ambulance to Coimbatore in the presence of the Inspector of Police, Neyveli. The 1st respondent is also directed to suitably instruct the concerned Inspector of Police to employ police personnel to effect smooth transfer of the petitioner from Neyveli by taking the petitioner into Ambulance. After the petitioner is placed in Ambulance, the detenue and her husband shall take her to their residence and thereafter make necessary arrangements to give further medical treatment to the petitioner. The statement made by the husband of the petitioner that he would not interfere henceforth with the detenue or her husband by giving frivolous complaint in future stands recorded. We also note that the petitioner's husband himself being old, he is unable to take care of the petitioner.

5. In the result, this Habeas Corpus Petition is disposed of with the above directions.

kmk

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To
1.The Superintendent of Police,
Coimbatore Police Station,
Coimbatore District.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

2.The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Manivasagam, Advocate, SR.No.60574

H.C.P.No.1189 of 2019

Kak(18/07/2019)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/