

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04..07..2019

CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M.NIRMAL KUMAR

Habeas Corpus Petition No.1209 of 2019

N.Srinivasan

... Petitioner

-Versus-

1. The Commissioner of Police,
Vepery, Chennai.
2. The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai - 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 body of the petitioner's brother i.e, detenu by name N.Sampathnarayanan, male, aged about 56 years, before this court and set him at liberty.

For Petitioner : Mr.B.Umapathy

For Respondents : Mr.R.Prathap Kumar, Addl.
PP for R1 and R2

ORDER

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

The petitioner, who is the brother of the detenu - N.Sampathnarayanan, has filed this petition, inter alia, alleging that the detenu has been taken by force.

2. There is vague averment in the affidavit to the effect that the wife of the detenu has taken him without his consent. Unfortunately. the wife of the detenu has not been arrayed as a party to the proceedings.

3. Today, at the instance of the learned Additional Public Prosecutor, the wife of the detenu is present before us. She has given a different picture before us. She has stated that

this is second petition filed by the petitioner. The detenu has been admitted in a De-Addiction Center. On the earlier occasions, after knowing the address, the petitioner went to the De-Addiction Center, where the detenu was then admitted and thereafter, brought the detenu back. She has also further made certain allegations against the petitioner which we are not inclined to go into. From the above, we are of the view that the petitioner is not entitled to maintain this petition. As a wife Mrs.Srividya has got every right to take care of her husband (detenu). The records produced by her before us would go to show that the detenu is undergoing treatment. Therefore, we direct the petitioner not to file this kind of petition in future. We are satisfied that the petitioner is aware of the fact that the detenu is taking treatment so also the habit which he is unable to get over. Thus, the instant petition is not maintainable and it is liable to be dismissed. Though it is a fit case for imposing cost, we refrain from doing so as we hope that the petitioner would not indulge in abuse of process of law in future.

4. In the result, this Habeas Corpus Petition is dismissed with the above observations.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Commissioner of Police, Vepery, Chennai.

2.The Inspector of Police, S-7, Madipakkam P.S.,Chennai - District.

3.The Public Prosecutor, High Court, Madras.

NRL (CO)
SSM(02/08/2019)

H.C.P.No.1209 of 2019