

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 10.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH  
and  
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.298 of 2020

N.Poongodi

... Petitioner

versus

1.The Superintendent of Police,  
The Superintendent Office,  
Gobichettipalayam.

2.The Sub Inspector of Police,  
Sirulur Police Station,  
Erode District.

3.N.Palanisamy

4.N.Subramaniam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to produce the detenu Mr.Nagappagounder, S/o.Selambana Gounder, aged about 79 years bodily before this Court and set him at liberty.

For Petitioner : Mr.V.P.K.Gowtham  
For Respondents : Mr.R.Prathap Kumar,  
Additional Public Prosecutor  
for R1 and R2

O R D E R

(Order of this Court was made by R.SUBBIAH,J.)

This Habeas Corpus Petition has been filed seeking a direction to respondents 1 and 2 to produce the detenu Mr.Nagappagounder, S/o.Selambana Gounder, aged about 79 years bodily before this Court and set him at liberty.

2.The detenu and respondents 3 and 4 are father and brothers of the petitioner respectively. The petitioner has stated in the affidavit filed in support of this petition that there was a

dispute with regard to certain property between her father and brothers. In this regard, her brothers namely respondents 3 and 4 filed a Suit in O.S. No.74 of 2011 on the file of the Sub Court, Gobichettipalayam against the petitioner and her father and the same is tried along with a Suit in O.S. No.100 of 2010 filed by the petitioner seeking partition. When the above case was posted on 20.01.2020, the petitioner went to her father's house for taking him to Court. She came to know that her father was kidnapped by her brothers by preventing him in attending the Court. Despite search made by her to find out his father, she could not trace him. Therefore, she made a complaint to the second respondent. Since the police has not taken any action, the petitioner is before this Court with the present Habeas Corpus Petition.

3.Today, when the petition is taken up for consideration, the learned Additional Public Prosecutor would submit that it is only a family dispute between the parties and that there is no illegal detention.

4.In view of the submission made by the learned Additional Public Prosecutor to the effect that there was a family dispute between the parties, we are of the opinion that the detenu was not under illegal detention. Hence, the Habeas Corpus Petition stands dismissed.

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vga

To

1.The Superintendent of Police,  
The Superintendent Office,  
Gobichettipalayam.

2.The Sub Inspector of Police,  
Sirulur Police Station,  
Erode District.

3.The Public Prosecutor,  
High Court, Madras.

+1 CC to Mr.V.P.K.Gowtham, Advocate sr 10211.

H.C.P.No.298 of 2020

KK(CO)

SP(13/03/2020)