

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and

The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No.48 of 2021

Subha

.. Petitioner

Vs.

1.The Commissioner of Police,
Chennai City Police Department,
Vepery, Chennai - 600 008.

2.The Inspector of police,
Chitlapakkam Police Station,
Chitlapakkam, Chennai - 600 064.

3.Bhuvaneswari

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the respondents herein to produce the body or person of Bhagyalakshmi, W/o.(late) Krishnan, aged about 72 years, before this Court and set her at liberty.

For Petitioner	:	Mr.R.Prabhavathy
For Respondents	:	Mr.R.Prathap Kumar
		Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the respondents herein to produce the body or person of Bhagyalakshmi, W/o.(late) Krishnan, aged about 72 years, before this Court and set her at liberty.

2. It is the case of the petitioner that her mother Bhagyalakshmi, aged about 72 years, is in the illegal custody of the third respondent, who is none other than the sister of the petitioner.

3. Today, Ms.T.Shanthi (Mobile No.9498130142), (WHC 35849), S-12, Chitlapakkam Police Station, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that the police went to the house of the third respondent and recorded the statements of the third respondent and Bhagyalakshmi and found out that Bhagyalakshmi was not kept under restraint by the third respondent.

5. In such view of the matter, a writ of habeas corpus cannot be issued as there is no illegal custody of the detainee as alleged by the petitioner.

In the result, this habeas corpus petition is dismissed with liberty to the petitioner to work out her remedy in the manner known to law.

Sd/-
Assistant Registrar (C.S.II)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Chennai City Police Department,
Vepery, Chennai - 600 008.

2.The Inspector of police,
Chitlapakkam Police Station,
Chitlapakkam, Chennai - 600 064.

3.The Public Prosecutor,
High Court, Madras.

Akm/12.2.21 /2p-4c/

सत्यमेव जयते

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