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H.C.P(MD) No.1121 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.1121 of 2020

Selvi

... Petitioner/Mother of Detenue
-vs-

1.The Superintendent of Police
Tirunelveli
Tirunelveli District

2.State Represented by
The Inspector of Police
Eraniel Police Station
Kanyakumari District

3.Dr.Shanmugam
Annai Mentally Retarded Home
Government Register No.10/2015
40, Anna Nagar, Tirunelveli

4.Jeya Sri

5.Neethika Devi
Manager
Annai Mentally Retarded Home
40, Anna Nagar, Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the 1st and 2nd respondents to produce the person or body of petitioner's son namely Saravanan, son of George, aged about 21 years, before this Court and set him at liberty.

For Petitioner : Ms.A.Banumathy

For Respondents : Mr.K.Dinesh Babu

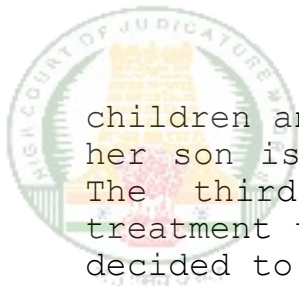
Additional Public Prosecutor for R1 & R2

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 and 2 to secure her son, namely, Saravanan, son of George, aged about 21 years, produce him before this Court and set him at liberty.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The petitioner would claim that she is having two female



children and one male child / detenu herein. It is also stated that her son is a mentally disabled person and he is addicted to drugs. The third respondent approached the petitioner for providing treatment to her son and based on his representation, the petitioner decided to admit her son in the third respondent's Hospital.

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3. The grievance of the petitioner is that despite payment of Rs.40,000/-, the third respondent is demanding another Rs.1,50,000/- and he is also not showing the detenu to the petitioner and hence, she lodged a complaint to the second respondent on 06.06.2020 and sent a representation to the first respondent on 12.09.2020. Since no steps have been taken by the official respondents, the present habeas corpus petition has been filed.

4. Mr.K.Dinesh Babu, learned Additional Public Prosecutor, would submit that the third respondent is not running any Hospital, however, by adopting similar *modus operandi*, he collected huge amount from the parents of the mentally retarded persons and hence, a case was registered against him in Crime No.795 of 2020, for the offence under Sections 420 and 342 I.P.C. He would further submit that the third respondent was secured and remanded to the judicial custody. It is further submitted that the detenu in this case was secured near Annai Velankanni Temple and he was produced before the learned Judicial Magistrate, Eraniel, on 29.12.2020 and the custody of the detenu has been handed over to the petitioner. Hence, the relief sought for in this habeas corpus petition has become infructuous.

5. In view of the above submissions of the learned Additional Public Prosecutor, the habeas corpus petition is dismissed as infructuous.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To:

- 1.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
- 2.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SSS (CO)
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