



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P(MD)No.454 of 2022

WEB COPY

Antony Sathiyagu

... Petitioner

vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Additional Superintendent of Police,
Office of the Additional Superintendent of Police,
Rameshwaram,
Ramanathapuram District.

3.The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.

4.Babu

5.Inno @ Kanshtrnraj

6.Mariya Shrli

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 to 3 to produce the body or person of the petitioner's sister Fathima Mary, D/o.Kopariyal Rathinam, (Age 60/Female) before this Court and set her at liberty.

For Petitioner : Mr.S.Sankar

For R1 to R3 : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner seeks production of his sister Fathima Mary, D/o.Kopariyal Rathinam.



2. According to the petitioner, his sister who was working as a Teacher had taken voluntary retirement and was living with him. He would further state that his another sister namely, Pernath Mary died and her daughter was living alone. Therefore, his sister Fathima Mary accompanied her. He would claim that Fathima Mary was having eye problem and she was taking treatment. When he attempted to visit his sister on 03.02.2022, he was prevented by the respondents 4 to 6 from visiting his sister. He would claim that the respondents 4 to 6 are not providing food and water to the detainee Fathima Mary. It is stated that the petitioner has made a complaint to the 2nd respondent police on 03.02.2022. Complaining inaction on the part of the Police, the petitioner has come up with this Habeas Corpus Petition.

3. Upon notice, the Police have produced the respondents 4 to 6 before us. The 6th respondent is the daughter of the sister of the petitioner and the detainee. The 4th respondent is the son of another sister. They would claim that Fathima Mary has been living with them all through and the petitioner with an eye on the retirement benefits of Fathima Mary, which are lying in the bank deposit and the pension that she is receiving, wants to take her away and withdraw the monies.

4. Mr.T.Senthil Kumar, learned Additional Public Prosecutor would submit that the petitioner had attacked the 6th respondent and had caused injuries. The 6th respondent had filed a complaint. The accident register copy has also been filed. A CSR has been issued by the Police treating it as a civil dispute.

5. The petitioner has admitted that the detainee has been living with the respondents 4 to 6. While it is the grievance of the petitioner that he has not been allowed to visit his sister, it is the case of the respondents 4 to 6 that the petitioner had in the guise of visiting his sister, threatened them and attacked them.

6. On the above facts, we see no illegal detention in order to enable us to entertain this petition. Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (R)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Additional Superintendent of Police,
Office of the Additional Superintendent of Police,
Rameshwaram, Ramanathapuram District.
- 3.The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P (MD)No.454 of 2022
DATED : 30.03.2022

PA(13.04.2022) 3P 5C