



WEB COPY



HCP(MD)No.1988 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2022

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

H.C.P.(MD)No.1988 of 2022

J.Susila

.. Petitioner / daughter of the
Detenu

Vs.

1.The Commissioner of Police,
Trichirappalli City.

2.The Inspector of Police,
Woraiyur Police Station,
Trichirappalli District.

3.Shanthi

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing 1 and 2 respondents to secure the detenu and produce the person or body of the detenu namely R.B.Kumuthavalli, aged 95 years, W/o.R.Balakrishnan, who is under the illegal custody of the 3rd respondent and set her at liberty.



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For Petitioner :Mr.P.Arun Jayatram
For R1 & R2 :Mr.A.Thiruvadikumar,
Additional Public Prosecutor
For R3 : Mrs.Prabha

ORDER

(Order of the Court was made by **N. ANAND VENKATESH,J.**)

This petition has been filed by the daughter of the detenu on the ground that her mother is in custody of the third respondent and that the petitioner is not permitted to visit her mother.

2.Heard Mr.P.Arun Jayatram, learned counsel appearing for the petitioner, Mr.A.Thiruvadikumar, learned Additional Public Prosecutor appearing for the first and second respondents and Mrs.Prabha, learned counsel appearing for the third respondent.

3.In the considered view of this Court, the third respondent is also one of the daughter of the detenu and admittedly the detenu is being taken care of by the third respondent. If the petitioner is not permitted to see her mother, who is now taken care by the third respondent, remedy is to knock the doors of the appropriate forum and not by way of filing Habeas Corpus



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Petition. Since the custody of the third respondent by no stretch can be treated as illegal custody, the petitioner has to work out her remedy in the manner known to law.

4.In view of the above, this Habeas Corpus Petition is closed.

(M.S.R.,J.) (N.A.V.,J.)
28.11.2022

Index:Yes/No

Internet:Yes/No

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To

1.The Commissioner of Police,
Trichirappalli City.

2.The Inspector of Police,
Woraiyur Police Station,
Trichirappalli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**M.S.RAMESH,J.
and
N. ANAND VENKATESH,J.
Ns**

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