



WEB COPY



HCP No.178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

Coram

The Hon'ble Mr. Justice **M.SUNDAR**
and
The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

H.C.P.No.178 of 2023

A.Menaga

.. Petitioner

-VS-

1.The Superintendent of Police,
Vellore District, Vellore – 9.

2.The Inspector of Police,
Palligonda Police Station,
Vellore District.

3.Gunasekaran

4.Ranjetham

5.Lakshmi

6.Koma

7.Ramabhai

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus to direct the first and second
respondent police to produce the petitioner's husband Ashokan,
S/o.Ethiraj in custody of 3rd to 7th respondents and produce before this
Court and set him at liberty.

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For Petitioner : Mr.T.Saravanan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
for R1 and R2

ORDER

[Order of the Court was made by **M.NIRMAL KUMAR, J.**]

The petitioner, wife of Ashokan, has filed this petition for the reason that her husband has been forcibly detained by his siblings/ respondents 3 to 7.

2. It is submitted that the petitioner's husband was serving in the Army. He was discharged from the Army and handed over to the petitioner on 09.12.2022. Thereafter, respondents 3 to 7, anticipating that the settlement amount will be received by her husband, forcibly detained him. Since the petitioner is suffering with two children, she has filed the present habeas corpus petition.

3. The detenu is present today along with third respondent.



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4. Learned Additional Public Prosecutor submitted that the detenu was found in Carewell Rehabilitation Trust, Vellore and was taking treatment to get rid of his drinking habit. He has further submitted that on the complaint of the petitioner, CSR No.80 of 2023 for man missing was registered and the investigation is still pending by the second respondent.

5. This Court had interacted with Mr.Ashokan, detenu/petitioner's husband as well as the third respondent - Gunasekaran. The detenu admits that he had drinking habit and the Army Medical Board found him unfit and discharged him. Thereafter, the detenu was living with his wife and children. The petitioner/wife of the detenu left him and joined her parents at Vettuvanam Village, Anaicut Taluk, few kilometres away from Kilkrishnapuram Village. Due to desertion, the detenu got dejected and he started having drinks again.

6. Mr.Gunasekaran, brother of the detenu/third respondent submits that for the purpose of rehabilitation, he had been admitted in Carewell Rehabilitation Trust, Vellore and now his health condition is



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improving. He has stated that he and his siblings have no objection for the petitioner to join the detenu. He has also stated that the detenu was admitted in the rehabilitation centre due to his health condition.

7. On interaction with the detenu and third respondent, we find that the detenu has not been kept under anybody's illegal custody more so respondents 3 to 7. The detenu admits that he has taken treatment at Carewell Rehabilitation Trust, Vellore and now he is residing with his siblings at Kilkrishnapuram Village. Finding no illegal detention, this habeas corpus petition is dismissed.

(M.S., J.) (M.N.K., J.)
07.02.2023

Index:Yes/No
Neutral Citation : Yes/No
mmi

To

- 1.The Superintendent of Police,
Vellore District, Vellore – 9.
- 2.The Inspector of Police,
Palligonda Police Station,
Vellore District.
- 3.The Public Prosecutor,
High Court, Madras.



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**M.SUNDAR, J.
and
M.NIRMAL KUMAR, J.**

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