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H.C.P.No.1538 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1538 of 2023

P.Karthiga .. Petitioner

v.

1. The Inspector of Police
T.P.Chatram Police Station
Chennai

2. K.Murugesh .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the 1st respondent to produce the body of petitioner's brother K.Ramamoorthy, S/o Kalimuthu, aged about 58 years before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.T.Nixon

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind, Advocate
for R1



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ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner is the elder sister of the detenu. The second respondent is also the elder brother of the detenu. Today the detenu is present before this Court. On enquiry, it appears that the second respondent has dealt with several properties of the family without the knowledge of the detenu and other members of the family.

2. Since the detenu has reported before this Court that he is in Bangalore and employed as Manager in a lodge, this Court finds that the petition cannot be entertained. Having regard to the scope of this petition, recording the fact that the detenu is in Bangalore and wants to be there, this habeas corpus petition is closed. It is always open to the parties to file a suit for partition or to settle the properties amicably, instead of filing this kind of petitions before this Court.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (S.M.,J.)
02.11.2023



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ss
To

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1. The Inspector of Police
T.P.Chatram Police Station
Chennai
2. The Public Prosecutor
High Court, Madras



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S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

SS

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