



H.C.P.No.1745 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

H.C.P.No.1745 of 2023

B.Neelavathi

.. Petitioner

Vs

1.State rep. by
Deputy Commissioner of Police,
Koyambedu, Chennai - 7.

2.The Inspector of Police,
T4 Maduravoyal Police Station,
Chennai - 95.

3.Jeevan Care Health Centre,
No.86/2A & 14/4c,
200 Feet Service Road,
Kanniamman Main Road,
Maduravoyal, Chennai - 95.

4.Kaliyammal

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the second respondent to produce petitioner's brother Dr.K.Asohan, aged 64 years, before this Court from the illegal custody of the third respondent and set him at liberty.

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For Petitioner : Mr.S.Vinod
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1 and R2

ORDER

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

This order will now dispose of captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of brevity, convenience and clarity).

2. Short facts (shorn of elaboration) are that according to the petitioner, her brother Dr.K.Asohan,M.B.B.S., who has been a Medical Practitioner for about 36 years was married to one Dr.E.Sasikala but there are no children from this wedlock and the marriage ended in a divorce; that thereafter Dr.K.Asohan (from hereon, petitioner's brother Dr.K.Asohan shall be referred to as 'absentee' for the sake of convenience and clarity) was living with his mother; that fourth respondent was appointed to take care of absentee's mother who passed away in 2012; that thereafter the fourth respondent continued to have interaction with the absentee; that there was a quarrel



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between the absentee and fourth respondent on 14.08.2023; that according to the petitioner, on 15.08.2023, fourth respondent lodged a police complaint with the Chengalpet Taluk Police Station in this regard; that at the instance of fourth respondent, the absentee has now been illegally detained in the third respondent centre.

3. To be noted, as regards the facts captured supra, it is made clear that it is the HCP petitioner's version and we express no opinion on the same.

4. Issue notice to official respondents.

5. Mr.E.Raj Thilak, learned State Additional Public Prosecutor accepts notice for respondents 1 and 2 (official respondents).

6. We are only concerned with the short point as to whether the absentee has been illegally detained in the third respondent centre as it is a habeas drill. Therefore, the presence of private respondents (respondents 3 and 4) is really not necessary for disposal of captioned HCP and it will suffice to say that all the rights and contentions of



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respondents 3 and 4 stand preserved in all aspects including the complaints already given and or any other connected/collateral proceedings.

7. Learned Prosecutor on instructions (instructed by Mr.G.Suresh, Sub Inspector of Police, T4 Maduravoyal Police Station) submitted that pursuant to complaint given by the HCP petitioner on 22.08.2023 for which CSR No.1035/2023 was issued, investigation brings to light that the absentee has been admitted in third respondent's centre at the instance of one Dr.R.K.Rudran. It is also submitted by learned Prosecutor that jurisdictional police have enquired with the third respondent centre and one Thiru.Shanmugam is the Co-ordinator there.

8. As already alluded to supra, we are concerned with the short point as to whether the absentee has been illegally detained by the third respondent centre. For this purpose, we direct the second respondent to produce the absentee, the petitioner (absentee's sister), Thiru.Shanmugam, Co-ordinator of third respondent centre and fourth respondent before the jurisdictional Magistrate (we are informed



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that the jurisdictional magistrate is Judicial Magistrate - II, Poonamallee) on Monday (11.09.2023) at half past ten. We request the learned Magistrate to record the statements of absentee, petitioner and Thiru.Shanmugam of third respondent centre and fourth respondent. Suffice to say that if the absentee wants to continue in the centre he will continue in the third respondent centre and if the absentee wants to go elsewhere either with the petitioner or to any other place he will be at liberty to do so and it is the responsibility of second respondent to ensure that absentee is able to go and stay wherever he prefers but this will depend on absentee's statement before learned jurisdictional Magistrate. This is more so as the absentee is a medical doctor who is now 62 years old.

9. As regards the other allegations, we express no opinion and as already alluded to supra, we preserve all the rights and contentions of respondents 3 and 4 qua complaints already given and in connected/collateral proceedings if any and all these proceedings and investigation if any will proceed on its own merits and in accordance with law untrammelled by the closure of captioned HCP as this order has been made for limited purpose of giving closure to the habeas drill.

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10. Captioned HCP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)
08.09.2023

Index : Yes/No

Neutral Citation : Yes/No

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P.S.: UPLOAD FORTHWITH

To

- 1.The Deputy Commissioner of Police,
Koyambedu, Chennai - 7.
- 2.The Inspector of Police,
T4 Maduravoyal Police Station,
Chennai - 95.
- 3.The Judicial Magistrate II,
Poonamallee.
- 4.The Public Prosecutor,
High Court, Madras.

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**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

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