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H.C.P.No.2418 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2418 of 2023

M.Sumathi

... Petitioner

Vs.

1.The Superintendent of Police,
Arakonam Taluk,
Ranipet District.

2.The Inspector of Police
Town Police Station,
Arakonam Taluk,
Ranipettai District.

3.D.Rajenderan

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to direct the 2nd respondent to produce the detenu D.Loganathan, aged 51 years, S/o.R.Duraikannu, from the illegal custody of the 3rd respondent before this Court and set him at liberty.

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For Petitioner : Mr.C.Munusamy
for Mr.L.P.Shanmugasundaram

For R1 and R2 : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Aravind C.

ORDER

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

The petitioner, wife of the detenu D.Loganathan, aged 51 years, S/o.R.Duraikannu, has come forward with this petition to produce the detenu before this Court from the illegal custody of the 3rd respondent and set him at liberty.

2.The petitioner has filed this Habeas Corpus Petition alleging that her husband is missing for a long time. It is also stated that the detenu was not in his stable mind and he was unable to look after the family affairs. A specific allegation is made against the 3rd respondent, who is the brother of the detenu, that the detenu has been detained by the 3rd respondent to grab the properties from the detenu.



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3.Today, the respondent Police has secured the detenu and the detenu is present before this Court, even though this petition is coming up today for admission.

4.On enquiry, the detenu has stated before us that he is on his own away from his family and that the petitioner was treating him with cruelty and threatening him to give the properties to her and their son. It is in such circumstances, he is staying away from the matrimonial home and is now earning for his livelihood.

5.The detenu appears to be stable and mentally sound. Hence, in view of the statements made by the detenu before this Court, without going into the allegations made against the 3rd respondent in this petition, **this Habeas Corpus Petition is closed**, holding that this is not a case of illegal detention.



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6.At this juncture, the learned counsel for the petitioner reiterated the statement in the affidavit that the detenu is mentally ill. However, there is no trace of mental illness on the detenu. He is quite normal. The petitioner is making such irresponsible statement before this Court only for the purpose of this petition. Though this petition is liable to be dismissed with costs, taking note of the fact that the petitioner is the wife of the detenu, no cost is imposed.

(S.S.S.R., J.) (S.M., J.)
13.12.2023

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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Ranipet District.
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Town Police Station,
Arakonam Taluk,
Ranipettai District.
- 3.The Public Prosecutor,
High Court, Madras.



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