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H.C.P.No.291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.291 of 2024

K.Vasuki

... Petitioner

Vs.

1. State represented by
The Superintendent of Police,
Vellore District, Vellore.
2. State represented by
The Deputy Superintendent of Police,
Vellore District, Vellore.
3. State represented by
The Inspector of Police,
C.1, Vellore Taluk Police Station,
Kaniyambadi, Vellore District.
4. L. Padma

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus or any other appropriate direction directing the respondents 1 to 3 herein to produce the body of the petitioner's niece Miss. S.Lakshmi, D/o. Subramaniam, aged about 74 years, who is under the illegal custody of the 4th respondent before



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this Hon'ble Court and set her at liberty.

For Petitioner	:	Mr.M.Prabhakar
For R1 to R3	:	Mr.E.Raj Thilak
		Additional Public Prosecutor
		Assisted by Mr.Aravind, C.

ORDER

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

In the present Habeas Corpus Petition, the petitioner herein has sought for issuance of a Writ of Habeas Corpus for production of her aunt, aged about 74 years, who, she claims, is under the illegal custody of the 4th respondent herein.

2. Earlier also the petitioner had filed a similar Habeas Corpus Petition in H.C.P. No.1957/2023 and, by an order dated 10.10.2023, the Habeas Corpus Petition came to be closed by observing that the detainee had voluntarily stated before the Sub-Inspector of Police, Kaniyambadi Police Station, Vellore District, that she was living with her sister's daughter on her own and therefore, she is not in the illegal custody. In the present Habeas Corpus Petition, similar prayer is sought for.

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3. Learned Additional Public Prosecutor, on instructions, submitted that the detainee, namely, S. Lakshmi, D/o. Subramaniam, had died in the hospital. Based on the complaint of the 4th respondent, the same has been registered in F.I.R. No.111/24 dated 10.02.2024 under Section 174 Cr.P.C. In the complaint it is stated that the petitioner herein has been spreading false news about the death of the detainee.

4. The Habeas Corpus Petition cannot be maintained on the ground that, earlier the petitioner had sought for a similar relief, which came to be rejected through orders passed on 10.10.2023 in H.C.P. No.1957/2023. Seeking for a similar relief once again is impermissible in law. This apart, when it is found that the alleged detainee has expired, no effective orders can be passed in the present petition. Accordingly, the Habeas Corpus Petition stands dismissed.

[M.S.R., J] [S.M., J]
15.02.2024

bga
Internet : Yes

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Index : Yes / No

Neutral Citation : Yes / No

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4. The Public Prosecutor,
High Court, Madras.



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