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H.C.P.(MD) No.747 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

H.C.P.(MD) No.747 of 2024

D.Karthick

... Petitioner

-vs-

- 1.The Superintendent of Police
Sivagangai, Sivagangai District
- 2.The Deputy Superintendent of Police
Karaikudi Taluk
Sivaganga District
- 3.The Inspector of Police
Kallal Police Station
Karaikudi Taluk, Sivaganga District
- 4.K.Selvaraj
- 5.Bharath Kumar
- 6.Valarmathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 3 to produce the body or person of the petitioner's mother / detenue, namely, Dhanalakshmi, wife of Dharmadurai, aged about 53 years, before this Court and set her at liberty.



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For Petitioner : Mr.B.Sargunam

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor for R1 to R3
Mr.S.Sundarapandian for R4 to R6

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner has filed this habeas corpus petition seeking a direction to the respondents 1 to 3 to secure his mother, namely, Dhanalakshmi, aged about 53 years, produce her before this Court and set her at liberty.

2. It is the case of the petitioner that on 05.05.2024, the respondents 4 to 6 took his widowed mother from his house to Kallal in Sivagangai District, without any lawful justification and had kept her under their illegal custody in order to recover money from him. Since 05.05.2024, he had not approached the respondent – Police due to frequent threats and fear over the respondents 4 to 6. Thereafter, the respondents 4 to 6 had demanded a sum of Rs.4,00,000/- to release his mother and later, the petitioner, had given a complaint before the first respondent on 20.06.2024 seeking to secure his mother from the illegal custody of the respondents 4 to 6. Since no action



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has been taken based on the complaint of the petitioner, he has filed the present habeas corpus petition.

3. Learned counsel for the petitioner would submit that the respondents 4 to 6 had taken the petitioner's mother, kept her in their illegal custody and demanded money from them. Seeking to secure his mother from the illegal custody of the respondents 4 to 6, the petitioner has given a complaint before the first respondent on 20.06.2024, however no action has been taken based on the said complaint and thereby, the petitioner has filed this habeas corpus petition.

4. Learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, would submit that the alleged missing person is right now available in the petitioner's house. He would further submit that the petitioner has some financial disputes with the respondents 4 to 6 and in order to evade the same, he has given the false complaint. He would further submit that the petitioner had cheated several persons, including the respondents 4 to 6 and several complaints are pending against him. In order to circumvent the process, the petitioner has given the false complaint as if his mother had been taken to illegal custody by the respondents 4 to 6. He would further submit that however, at present, the



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petitioner's mother is available at his residence and the Nagapattinam Police, after enquiry, has given a report along with a photograph taken by a GPS Map Camera at 05.30 p.m., on 26.06.2024.

5. Learned counsel for the petitioner has also admitted that the petitioner's mother is now available at the petitioner's house.

6. In view of above, we are of the view that the petitioner's mother is not in illegal detention of anybody and thereby, no further adjudication is required in this habeas corpus petition.

7. Accordingly, the habeas corpus petition is closed.

[A.D.J.C., J.]

[K.R.S., J.]

27.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Sivagangai,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
Karaikudi Taluk,
Sivaganga District.
- 3.The Inspector of Police,
Kallal Police Station,
Karaikudi Taluk,
Sivaganga District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
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