



H.C.P.(MD).No.818 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.07.2024

CORAM

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

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V.Parthiban

.. Petitioner / Husband
of the Detenue

Vs.

1.The Commissioner of Police,
City Police Office,
Trichy City – 620 020.

2.The Inspector of Police,
Woraiyur Police Station,
Trichy City – 620 003.

3.Dr.V.Kathiroli,
Managing Director,
Kathir Hospital,
Salai Road,
Trichy – 620 003.

4.Dr.R.Bharath Kumar,
Managing Partner,
Kathir Hospital,
Salai Road,
Trichy – 620 003.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, by directing the respondents 1 and 2 to secure the detenue and produce the person or body of the detenue Maha, W/o.Parthiban aged about 30 years and her 5 days new born female baby from the illegal custody of the third and fourth respondents before this Court and set them at liberty.

For Petitioner : Mr.C.Karthikeyan
For R-1 & R-2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The present Habeas Corpus Petition has been filed seeking direction to the respondents 1 and 2 to produce the body or person of the petitioner's wife, namely, Maha, aged about 30 years and her new born baby before this Court.

2.1. The case of the petitioner is that his wife got delivery pain on 03.07.2024 and while they were heading to the Government Hospital, Trichy, her condition became critical and thereby, the petitioner had admitted his wife in the third respondent hospital for emergency. He was



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informed by the hospital authorities that his wife should be operated immediately and during that time, he had paid a sum of Rs.10,000/- towards medical bills. On information, his father-in-law came to the hospital and he had also paid a sum of Rs.10,000/- toward further bills. While so, on 03.07.2024 at 19.45 hours, his wife had given birth to a female child and thereafter, the third respondent had asked him to settle the remaining bills for a sum of Rs.48,514/-. Hence, the petitioner had approached several persons to settle the bill amount and by pledging his bike, he had arranged a sum of Rs.10,000/- on 06.07.2024. Thereafter, he went to the hospital at about 20.00 hours and at that time, the third respondent, Managing Director of the hospital abused the petitioner and his wife through hospital CUG phone and threatened them with dire consequences. Hence, the petitioner had left his wife along with his father-in-law in the hospital and rushed to many places to arrange the balance amount.

2.2. The petitioner was also informed by his wife that ever since 06.07.2024, the third respondent had stopped giving medicines and diet to his wife and the third respondent had also not vaccinated his new born child. Thereby, when the petitioner asked the respondents 3 and 4 to



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discharge his wife through his father-in-law, they refused to discharge his wife and have also not given treatment to his wife. On 07.07.2024, the petitioner's wife had made a phone call to the emergency police helpline and stated about the illegal confinement. Per contra, the respondents 3 and 4 have threatened his wife through the hospital CUG phone that they are influential persons and they are going to implicate the petitioner in a criminal case and invoke GOONDAS Act against them. Alleging that the respondents 3 and 4 are keeping his wife in illegal detention, the present Habeas Corpus Petition has been filed.

3. Since a mentioning was made before this Court in the morning by the learned counsel, Mr.C.Karthikeyan, we agreed to take up the Habeas Corpus Petition sympathetically considering the plight of a lady and her new born child and also asked the learned Additional Public Prosecutor to get instructions from the second respondent.

4. When the matter was taken up for consideration today at 2.15 PM, from the records, we were able to see that though mentioning was made at 10.30 AM in the morning, the complaint has been sent to the second



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respondent only at 12.04 hours. From the above, it is clear that only after making mentioning before this Court and getting permission for lunch motion, the complaint has been prepared and sent by the petitioner to the respondent Police.

5. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that it is true that the petitioner had admitted his wife in the third respondent hospital on 03.07.2024 and she has delivered a child on the same day. When the hospital authorities had demanded the charges for their services, the petitioner had quarrelled with them and created a ruckus and thereby, the hospital authorities have given a complaint against the petitioner to the second respondent and the same is pending enquiry. It is admittedly a case of dispute between a patient and a private hospital, whereas, suppressing the same, the petitioner has filed this Habeas Corpus Petition with an attempt to circumvent the process of this Court.

6. Considering the above facts and circumstances, we find that it is not a case of illegal detention and that it is a dispute between the patient and



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the Management of the hospital. Hence, the Habeas Corpus Petition stands closed. It is stated that the petitioner has sent a complaint to the second respondent today (08.07.2024) at 12.04 hours from the High Court Campus. In view of the same, the second respondent is directed to conduct an enquiry and proceed in accordance with law.

(A.D.J.C.,J.) (K.R.S.,J.)
08.07.2024

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Commissioner of Police,
City Police Office,
Trichy City – 620 020.
- 2.The Inspector of Police,
Woraiyur Police Station,
Trichy city – 620 003.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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