



H.C.P.(MD) No.848 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM:

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

H.C.P.(MD) No.848 of 2024

Subbaiyan

... Petitioner

-VS-

1.The Superintendent of Police,
Thanjavur District.

2.The Inspector of Police (L&O),
Pappanadu Police Station,
Thanjavur District.

3.Senthil

4.Thamizha

5.Ramana

6.Priya

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the first and second respondent to produce the person or body of the detenu namely Anjalaiaimmal, wife of Deivigan, aged 85 years before this Court and set her at liberty.



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For Petitioner :Mr.R.Ponkarthikeyan
For R1 & R2 :Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the brother of the detenu seeking to produce the alleged detenu namely Anjalaiaimmal, wife of Deiveegan, aged about 85 years before this Court and set her at liberty.

2. The case of the petitioner is that his father Duraisamy and his mother Palayammal have two daughters namely Mangalammal and Anjalaiaimmal and three sons namely, Murugayan, the petitioner and Palanivel. The petitioner's elder sister Mangalammal and younger brother Palanivel are no more. Another sister Anjalaiaimmal, who is now aged 85 years, was married to Deiveegan. The said Deiveegan expired before 15 years due to illness and since his sister Anjalaiaimmal was not have any children, she was under the custody of the petitioner. Ever since the death of his brother-in-law, the detenu Anjalaiaimmal



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was living with him. She has got properties in her name. The relatives of the deceased Deiveegan had eye on the properties of his sister and they had been targetting to take over the properties. While so, on 01.06.2024 at about 10.00 a.m., the private respondents 3 to 6, who are related to through his brother-in-law Deiveegan, have tress-passed into his house and abducted her sister Anjalaiaimmal. Earlier on 03.06.2024 the petitioner made an online complaint about the abduction of his sister, whereas, the respondents had failed to take any action on the complaint. The private respondents had kept his sister under illegal detention in order to grab the property and therefore, fearing that the private respondents are attempting to alienate his sister's properties, the petitioner had filed a writ petition in W.P(MD)No.12561 of 2024 and the same was disposed of by this Court on 14.06.2024. Since whereabouts of his sister is not known and apprehending danger to her life, the petitioner has filed the present habeas corpus petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the younger brother of the missing person Anjalaiaimmal, who is aged about 85 years. After the death of his brother-in-law, the missing person



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was living with the petitioner for the past 15 years. The respondents 3 to 6, who are relatives of the brother-in-law Deiveegan, in order to grab the properties, have abducted the sister of the petitioner and keeping her under illegal confinement and thereby, the present habeas corpus petition has been filed.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that the petitioner is the younger brother of the alleged missing person Anajalaïmmal. The said Anjalaïammal was with the petitioner and he had chained her and caused harassment and coming to know about the same the brother-in-law and nephew of the missing person had rescued her from the custody of the petitioner had they admitted her in Government Hospital, Pattukottai and after discharge from the hospital she is now been taken care by Ravichandran, who is the brother-in-law of the missing person.

5. He would further submit that after filing of the habeas corpus petition, one Surya, Head Constable belonging to the second respondent police station visited the house of the said Ravichandran and she had obtained the statement from the missing person. During enquiry the said missing person stated



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that her younger brother, the petitioner herein, had tied her with chain and compelled her to execute the documents in respect of the properties owned by her and had also taken her jewels.

6. The respondents have also handed over the photo of the detenue being chained at the house of the petitioner and they also produced the photograph of the missing person along with other family members. During enquiry the missing person Anjalaiaimmall has stated that she is now comfortable and the respondents 3 to 6 are relatives of her husband and that she is not in illegal detention.

7. Finding that there is no illegal detention involved in this case, this habeas corpus petition is closed. The second respondent is at liberty to enquire the matter and if necessary, to register the case.

[A.D.J.C., J.] [K.R.S., J.]
12.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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- 2.The Inspector of Police (L&O),
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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
K.RAJASEKAR, J.

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