



HCP(MD). No.972 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 08/08/2024

CORAM

**The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and
The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD**

HCP(MD). No.972 of 2024

Chandra

... Petitioner

Vs

1.The Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
Palayamkottai Police Station
Tirunelveli City.

3.Abi Sofia

... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus to direct the respondents to produce the body or person of the petitioner's son namely Muthukumar aged about 24 years before this Court and set him at liberty.

For Petitioner : M/s.S.Siva Ilayaraja

For Respondents : Mr.T.Senthilkumar for R1 & R2

Additional Public Prosecutor



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ORDER

(Order of the Court was made by C.V.KARTHIKEYAN, J.)

The mother, out of distress suffered by her son Muthukumar, who is married to the third respondent Abi Sofia, has filed this petition seeking a direction against the first and second respondents to produce her son and set him at liberty from the clutches of the third respondent/his legally wedded wife.

2. In the affidavit filed, the petitioner has stated that within 56 days of the marriage of her son with the third respondent, on 26.10.2023, her son, Muthukumar met with an accident when he was riding a two wheeler from Kovilpatti to Tuticorin and suffered a severe head injury. He had been initially admitted to Tirunelveli Medical College Hospital. He was then admitted to Velammal Medical College Hospital at Madurai and was taking treatment from 27.10.2023 till 11.12.2023. He was thereafter again admitted to Shifa hospital, at Tirunelveli and later to Krishna Nursing Home at Palayamkottai and he has still not recovered



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from the injuries. It is contended that the third respondent, ie., the daughter-in-law of the petitioner, who is a qualified Siddha Doctor is now giving treatment to the son of the petitioner following siddha practice at Cure Siddhar Clinic and Holistic Medical Research Centre under the care and guidance of Dr.D.Raja Sankar, MD., Siddha physician in Tirunelveli.

3. The grievance of the petitioner is that her son is not being properly looked after and the nature of the injuries, which he suffered can never be cured by the Siddha treatment and allopathic treatment have to be given.

4. Unfortunately, the son of the petitioner is not in unlawful confinement. He is the husband of the third respondent and the third respondent has every right to nurture him and give proper treatment. Whether the treatment being given is proper or not is beyond the purview of this Court. The jurisdiction of this Court can be extended only when it is complained that the son of the petitioner is in unlawful custody or has been detained against his wishes. It is not the case. He is in lawful



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custody of the third respondent. Therefore, we can never issue a direction to any of the respondents to bring the body of the son of the petitioner and examine him or even enquire whether he is with the third respondent on his own wishes or otherwise.

5. We can only take advantage of the provisions of the Legal Services Authority Act 1987, particularly, Chapter VI-A of the said Act, wherein, if a complaint is given before the Legal Services Authority, they have every right to enter upon a discussion to ensure that a peaceful settlement is reached among the parties. Since the petitioner and the third respondent stand in a very close relationship as mother-in-law and daughter-in-law and they both seem to be claiming rights over the son of the petitioner/wife of the third respondent, it is only appropriate that the petitioner approaches the District Legal Services Authority at Tirunelveli and places a request to the Chairperson of the District Legal Services Authority to examine the complaint of the petitioner and ensure that some guidance is given to both the petitioner and the third respondent and also ensure that proper medical treatment is extended to her son. The Chairperson, Legal Services Authority at Tirunelveli, may also take note



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of Section 12 of the said Act and act accordingly, if required.

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6. In view of the above, this petition is closed.

(C.V.K.,J.) (J.S.N.P.,J.)
08.08.2024

RR

TO

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Tirunelveli City.

2.The Inspector of Police,
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