



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

HCP No. 728 of 2022

D.Shanthi

Petitioner(s)

Vs

1.The State Rep By,
The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai 600 007.

2.The Inspector of Police,
V-6 Kolathur Police Station,
Kolathur, Chennai - 600 099.

3.Ramya

4.S.Babu

5.C.Sri Muruga

(R5 impleaded as per order dated
18.10.2024 in HCP No.728 of 2022)

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to direct the second respondent to produce the petitioner's adopted son, namely, A.P.Dheeraj Maal, aged 17 years, S/o.late Pandurangan, who is illegally detained in the hands of the respondents 3 and 4 before this Court and hand over to petitioner and set him at liberty.



For Petitioner(s): Mr.P.Pugalenth
For Respondent(s): Mr.Babu Muthu Meeran
Additional Public Prosecutor
For R1 and R2
Mr.C.S.S.Pillai for R3
Mr.G.Arivarasan for R4
Mr.T.Mohan, Senior Counsel
Amicus Curiae
Mr.M.R.Jothimanian (AG & OT)

ORDER

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

This Habeas Corpus Petition has been filed by the petitioner, ostensibly claiming interest in the life and person of A.P.Dheeraj Maal, who was aged 17 years at the time of filing of the petition and who, it was claimed, was in the unlawful custody of the third and fourth respondents.

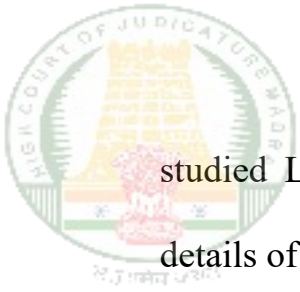
2.Even before proceeding further, it should be mentioned that subsequent events have revealed that the petitioner is now facing a charge under section 302 IPC with respect to the death of A.P.Dheeraj Maal, whose custody is sought in the Habeas Corpus Petition and in this connection, an FIR in Crime No.10 of 2024 had been filed showing her as the first accused and showing another Advocate Senthilkumar as the second accused. The FIR had been registered by the CBCID (Metro) and after investigation, final report had also been filed before the learned Metropolitan Magistrate for Exclusive Trial of CCB and CBCID cases for the offences punishable under sections 61(2), 103, 314 BNS



2023 and under section 92 (c) of the Right of Persons with Disabilities Act, 2016. This one fact itself exposes the malafide intention of the petitioner herein.

3. During the course of hearing of the Habeas Corpus Petition, a Co-Ordinate Division Bench had appointed Mr. T. Mohan, learned Senior Counsel as Amicus and we are deeply indebted for the assistance rendered by the learned Amicus. It is also to be noted that CBCID (Metro) investigated further into the allegations surrounding the death of A. P. Dheeraj Maal, and had filed a final report before the Jurisdictional Court as noted above. As a matter of fact, there are two other FIRs which had also been registered. One against the third and fourth respondents herein and another FIR No. 162 of 2022 again by the CCB, Chennai, for the offences punishable under sections 420, 465, 468, 471 and 34 IPC. The final report filed therein had been taken cognizance in C.C. No. 1819 of 2024 by the CCB & CBCID Court, Chennai. However, the proceedings in the said Calendar Case had been stayed by this Court and investigation had been handed over to the CBCID (Metro) and FIR in Crime No. 9 of 2024 has been now registered for the offences punishable under sections 420, 465, 468, 471 and 34 IPC and investigation is pending.

4. It was also disclosed during the course of investigation that the fourth respondent S. Babu S/o. Selvaraj, who claimed to be an Advocate, had not



studied Law and had not enrolled himself and even if he had produced the details of enrollment, such documents were fictitious and forged.

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5.The entire narration above shows that the Habeas Corpus Petition is smudged with fraudulent intention by all the parties concerned. In view of the status report filed about the FIRs registered and the nature of the investigation conducted, we are of the opinion that the Habeas Corpus Petition has to suffer an order of dismissal and the same stands dismissed.

6.We would however record the order dated 03.03.2025 in the Habeas Corpus Petition, whereby, the AG & OT, High Court, Madras, had been appointed to take possession of three separate properties which were the subject matter of a Will. In order to maintain balance, though the Habeas Corpus Petition stands dismissed, we would still request the AG & OT to continue to be in possession and administer the said properties and file a report before this Court. We would take on record in O.S.A.No.102 of 2017 the order now passed regarding continuation of AG & OT to be in possession. The AG & OT may file a report regarding the three properties which are under his administration and also about the two properties which had been purchased from the benefits under the will.



7.We would again place our deep appreciation for the assistance rendered by Mr.T.Mohan, learned Senior Counsel as Amicus. We further request Mr.T.Mohan, learned Senior Counsel to continue as Amicus in O.S.A.Nos.102, 245, 260 of 2017 and 62 & 281 of 2018.

8.Now the Registry may also print the name of Mr. T. Mohan, learned Senior Counsel as Amicus appointed by this Court and Mr.M.R.Jothimanian also as a counsel for AG & OT, who is now in control of the properties forming the subject matter of the OSAs.

9.We place our appreciation for Mr.Babu Muthu Meeran, learned Additional Public Prosecutor for having assisted the Court in the Habeas Corpus Petition.

(C.V.K.J.,) (K.B.J.,)
12-01-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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To

1.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai 600 007.

2.The Inspector of Police,
V-6 Kolathur Police Station,
Kolathur, Chennai - 600 099.

3.The Public Prosecutor,
High Court, Madras.

HCP No.728 of 2022

**12-01-2026
(1/2)**