

ITEM NO.801

COURT NO.1

SECTION II-C

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 45881/2024**

**(Arising out of impugned final judgment and order dated 30-09-2024 in SC-ATR No. 2487/2024 passed by the High Court Of Judicature At Madras At Chennai)**

**ISHA FOUNDATION****Petitioner(s)****VERSUS****S. KAMARAJ & ORS.****Respondent(s)****Date : 03-10-2024 This petition was called on for hearing today.**

**CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s) Mr Mukul Rohatgi, Sr. Adv.****For Respondent(s) Mr. Siddharth Luthra, Sr. Adv.**

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 A habeas corpus petition was filed under Article 226 of the Constitution by the first respondent, seeking the production of his daughters - Geeta Kamraj and Lata Kamraj - who, he alleged, were held captive inside the premises of Isha Foundation at Coimbatore.
- 2 In its order dated 30 September 2024, a Division Bench of the Madras High Court, recorded that it had "examined both the detenués and the petitioner". The order of the High Court does not specifically refer to what transpired during the course of the interaction between the Bench and the two individuals noted above. After noticing the submissions of counsel for the petitioner to the effect that several other persons were staying at the Ashram of Isha Foundation in

Coimbatore out of compulsion, the High Court issued a general direction ordering that “with reference to the said allegations, Coimbatore Rural Police having jurisdiction shall conduct an enquiry and file a status report before this Court”.

- 3 The petition was mentioned for urgent listing by Mr Mukul Rohatgi, senior counsel on the ground that in pursuance of the order of the High Court about 150 officers of the Coimbatore Rural Police entered the premises. It has been submitted that the interaction with the Division Bench of the High Court took place in open court in the course of which both the individuals concerned stated that they were staying in the Ashram voluntarily and without any coercion.
- 4 Mr Siddharth Luthra, senior counsel has appeared in these proceedings on behalf of the State of Tamil Nadu and its officers - Respondent Nos 2, 3 and 4 - and states that the Police team which conducted the enquiry in pursuance of the impugned order of the High Court was accompanied by the:
  - (i) District Child Welfare Committee headed by its Chairperson;
  - (ii) District Child Protection Officer and team;
  - (iii) District Social Welfare Officer;
  - (iv) Joint Director, Health;
  - (v) Two Psychiatrist; and
  - (vi) Food Safety Officer.
- 5 During the course of the hearing, we have interacted online with both the individuals concerned in Chambers.

- 6 During the course of the interaction, both the individuals stated that they joined the Ashram when they were 24 and 27 years old, respectively. The order of the High Court indicates that they are presently 39 and 42 years old. Both the individuals stated that (i) they are residing at the Ashram voluntarily and without any coercion; (ii) they are free to travel outside the Ashram which they have done from time to time; (iii) one of the individuals has participated in a marathon run extending to about 10 kilometers in Hyderabad; and (iv) their parents visit the Ashram periodically to meet them.
- 7 As regards the presence of the Police in pursuance of the order of the High Court, it has been stated by both the individuals that the police have left the premises last night after a visit lasting for two days.
- 8 The submission which has been urged on behalf of the petitioners is that a similar petition was filed by the mother of the two individuals about eight years ago in which the father also appeared and eventually the same statement, as was made before the High Court on this occasion, was made by the two individuals. The petition was disposed of. Hence, It has been submitted that a second habeas corpus ought not to have been entertained on these facts particularly having regard to the age, maturity and volition of the individuals.
- 10 At this stage, based on our interaction with the two individuals and after considering the submissions, we are of the view that the ends of justice would require the following order :
- (i) Habeas Corpus Petition No 2487 of 2024 shall stand transferred from the file of the High Court of Judicature at Madras to this Court. We permit the first respondent, who is the original petitioner before the High Court, to appear through the video conferencing platform, if he wishes to interact with the Court in person or through counsel either on the same platform

or physically, as he may desire;

- (ii) The status report which was directed by the High Court to be filed by the Police shall be submitted to this Court;
- (iii) The Police shall not take any further action in pursuance of the directions issued in Paragraph 4 of the impugned order dated 30 September 2024, save and except for the submission of the status report to this Court.

11 Interlocutory Application for impleadment of Union of India is allowed.

12 List the Petition on 18 October 2024.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**