IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

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HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

ON THE 7th OF OCTOBER, 2026

WRIT PETITION No. 39187 of 2026

CNR No.: MPHC020377132026

RAJESH PATIDAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Monesh Jindal - Advocate for the petitioner.

Shri Amit Bhatia GA appearing on behalf of Advocate General/respondents No.1 to 3/State.

Shri Shubham Mandil, learned counsel for the respondent No.5/Wife.

ORDER

Per. Justice Jai Kumar Pillai :

1 . The petitioner has approached this Court under Article 226 of the Constitution of India seeking the issuance of a writ in the nature of Habeas Corpus. The petitioner prays for the immediate production and release of his real younger brother, Babulal, from the alleged illegal custody of Respondent No.4. It is the categorical case of the petitioner that the Corpus has been unlawfully confined at a private de-addiction and rehabilitation center. This confinement was allegedly at the behest of his wife, Respondent No.5, entirely against his free will and consent.

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2 . The factual matrix reveals that the Corpus and Respondent No.5 are legally wedded husband and wife, but their marital relationship was deeply strained. They were residing separately in the Rau area of District Indore due to ongoing and severe matrimonial disputes. The Corpus had previously lodged multiple police complaints, including NCR No.32/2025 and NCR No.165/2025, against his wife and her family members. These complaints alleged physical assault and harassment, following which the Corpus was medically examined and underwent necessary medical treatment.

3 . On September 7th, 2026, Respondent No.5 allegedly called the Corpus to her residence and subsequently took him to the premises of Respondent No.4. He was admitted there and has been detained ever since against his wishes and free consent. The petitioner visited the center the very next day to secure the release of his brother, who suffers from left-side paralysis. Upon the center's blatant refusal to release the Corpus, the petitioner submitted a written complaint to the local police, but no effective action was taken.

4 . Learned counsel for the petitioner submits that the Corpus has been illegally and unlawfully detained at the private rehabilitation facility. It is forcefully contended that the Corpus is neither a habitual drug addict nor a person requiring forced treatment at any de-addiction center. The counsel argues that Respondent No.5 colluded with the center to curtail the Corpus liberty with a *mala fide* intention to usurp his property. Confining an educated adult without his voluntary consent directly violates his fundamental rights guaranteed under Article 21 of the Constitution of India.

5 . The counsel further submits that the Corpus is suffering from paralysis affecting the left side of his body, requiring specialized and regular neurological care. His continued confinement in a de-addiction facility lacking proper medical infrastructure poses a severe threat to his physical health and overall well-being. The petitioner contends that a private rehabilitation center cannot assume unrestricted power to confine a major

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solely based on a spouse's authorization without supporting medical documents. Therefore, immediate judicial intervention is warranted to secure his release from this unlawful custody.

6. Per contra, learned counsel appearing for the respondents submits that the Corpus is a habitual drug addict with numerous resulting medical ailments spanning several years. It is contended that the Corpus frequently caused physical harm to his wife due to his persistent state of self-intoxication. Respondent No.5 claims that she admitted him to the rehabilitation center merely to save her own life and secure the sacred thread of their marriage. The counsel asserts that the Corpus exercises free will at the center but prays for the dismissal of the petition citing safety apprehensions.

7. This Court has carefully examined the aforesaid contentions and the material available on the judicial record. The fundamental premise of a Habeas Corpus petition is to ascertain whether the restriction on an individual's liberty is backed by lawful authority. In the present case, the primary defense raised by Respondent No.5 is that the Corpus is a severe drug addict who was admitted for his own medical welfare and rehabilitation. To independently evaluate this defense, this Court relies heavily upon the objective assessment conducted by the constituted Medical Board at the instance of this Court vide order dated 28/09/2026.

8. The Medical Board, after thoroughly examining the Corpus, submitted its detailed report on October 1st, 2026. The report categorically states: "At present Mr. Babulal s/o Mr. Banshidhar is having no gross psychopathology on Mental State Examination; however he is having left side residual hemiparesis on physical examination. For which opinion of Neurologist is advised." This conclusive medical opinion completely dismantles the narrative heavily relied upon by Respondent No.5. There is absolutely nothing on record demonstrating that the Corpus suffers from any

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psychopathology or addiction warranting his forced institutionalization.

9 . Furthermore, this Court finds merit in the petitioner's contention regarding the lack of informed consent. It is a settled legal proposition that an adult citizen of sound mind possesses absolute autonomy over his person and medical treatment. A private rehabilitation center has no statutory authority to act as a detention facility merely based on a spouse's consent form. The admission of an adult to a de-addiction center must either stem from his own voluntary free will or be backed by a competent legal or medical mandate, both of which are glaringly absent in the present case.

1 0 . The respondent's argument that the Corpus is not under wrongful confinement and possesses "free will" at the center is factually contradictory. The record indicates that the petitioner personally approached the authorized representative of Respondent No.4 on September 8th, 2026, explicitly requesting his brother's release. If the Corpus truly enjoyed free will and was a voluntary patient, the center would have possessed no authority to deny his exit.

1 1 . In view of the undisputed Medical Board report confirming the complete absence of any gross psychopathology, it is conclusively established that the Corpus has been subjected to illegal detention. His continued forced confinement at the private rehabilitation center is wholly unlawful and directly violates his fundamental right to life and personal liberty enshrined under Article 21 of the Constitution of India. The respondents have completely failed to demonstrate any statutory or medical justification for retaining his custody against his wishes. Consequently, the petitioner has successfully made out a compelling case for the issuance of a writ of Habeas Corpus.

12. Accordingly, the present writ petition is **allowed**, and the detention of Corpus Babulal at the premises of Respondent No.4 is hereby declared

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illegal. The respondent Police Authorities and the Private Center are directed to release the Corpus forthwith and set him at liberty. He shall be permitted to reside at a place of his own choice or with his brother, entirely as per his own free will. Liberty is granted to Respondent No.5 to apply for a Nasha Mukti Kendra only if backed by future independent Medical Board opinions indicating emergent necessity.

13. With the aforesaid directions, present petition stands allowed and disposed of accordingly.

(SUBODH ABHYANKAR)
JUDGE

(JAI KUMAR PILLAI)
JUDGE

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