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H.C.P.No.287 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2023

CORAM
THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.287 of 2023

Sonia

.. Petitioner

Vs.

1.The Commissioner of Police,
Thambaram,
Chennai District.

2.The Inspector of Police,
Chitlapakkam Police Station,
Chennai District.
Crime No.440 of 2022

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus to direct the respondents herein to produce petitioner's husband Mr.Prasanth, S/o.Pichandi, aged about 29 years by person or body before this Court and set him at liberty.

For Petitioner	:	Mr.S.Silambuselvam
For Respondents	:	Mr.R.Muniyapparaj Additional Public Prosecutor

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ORDER

[Order of the Court was made by M.SUNDAR, J.,]

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and clarity] has been filed alleging that the petitioner's spouse one Mr.Prasanth, aged 29 years, son of Pichandi working as Medical Representative in a private Pharmaceutical Company is missing from 30.09.2022.

2.Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepts notice for both the respondents submits that on a complaint from the petitioner, a case has been registered vide Crime No.440 of 2022 dated 31.10.2022 for 'MAN MISSING'. It is also submitted by learned Additional Public Prosecutor on instructions that on preliminary investigation it comes to light that the absentee [petitioner's spouse] is with his parents in Bangalore.

3.This comes across as a case of marital discord. To be noted, in the captioned Habeas Corpus Petition, no private party has been arrayed as a



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respondent and it is nobody's case that the absentee is in illegal detention of anyone.

4.Faced with the above situation, learned counsel on record for petitioner sought leave of this Court to withdraw captioned HCP and the learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Permit
to withdraw HCP
in the Petition
Dated 27.2.23
Counsel for Petitioner
288/07
(S. Srinivas Sankar)
27.2.23

5.While we permit the petitioner to withdraw captioned HCP we make it clear that all the rights and contentions of petitioner are preserved for



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pursuing the aforementioned 'MAN MISSING' complaint and also for pursuing all other remedies that may be available to the petitioner in other Court/Courts/Forum/Fora.

6.Be that as it may, as the investigation progresses, learned Additional Public Prosecutor shall ensure that the address of the Parents-in-law in Bangalore is given to the complainant as we are informed that the petitioner is not aware of the address of her Parents-in-law but we do not want delve further into this aspect of the matter owing to the scope of legal drill on hand.

7.Captioned Habeas Corpus Petition disposed of as closed/withdrawn albeit preserving the rights and contentions of petitioner in the aforesaid manner.

(M.S.,J.) (M.N.K.,J.)
27.02.2023

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
cse

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To

- 1.The Commissioner of Police,
Thambaram,
Chennai District.
- 2.The Inspector of Police,
Chitlapakkam Police Station,
Chennai District.
- 3.The Public Prosecutor
High Court, Madras.

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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

cse

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