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HCP No.1262 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR**  
and

**THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

H.C.P.No.1262 of 2023

J.Nirmal Kumar

S/o.Jai Shankar

.. Petitioner

Vs.

1. The Superintendent of Police  
Vellore  
Vellore District.

2. The Inspector of Police  
Sathuvachari Police Station  
Vellore District.

3. Mohan ..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 2nd respondent to produce the person or body of the detenu, wife Suguna, aged about 28 years and son Dhanvin, aged about 7 years from the illegal custody of the 3rd respondent before this Hon'ble Court and set them at liberty.

|                 |   |                                                                  |
|-----------------|---|------------------------------------------------------------------|
| For Petitioner  | : | Mr.M.Sathish Kumar                                               |
| For Respondents | : | Mr.E.Raj Thilak<br>Additional Public Prosecutor<br>for R1 and R2 |



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## ORDER

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

After some arguments, Mr.M.Sathish Kumar, learned counsel on record for petitioner requested leave of this Court to withdraw the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity] but made a request to preserve all the rights and contentions of the petitioner and or anyone else concerned with the matter to move the Family Court / GAWA Court / any other appropriate Forum or authority. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Learned Counsel May be  
pleaded to permit me  
to withdraw this petition  
with leave  
of the Court  
32/12/2023  
9840323243  
M-SATHISH KUMAR



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2. Aforementioned endorsement is reiterated in the hearing.

3. In the light of the aforementioned endorsement and reiteration of the same, as this is not a case of illegal custody, we drop the curtains on the captioned HCP.

4. Captioned HCP disposed of as closed / withdrawn albeit making it clear all the rights and contentions of the petitioner and or anyone concerned with the matter are preserved for other proceedings as sought for in the aforesaid manner.

(M.S.,J.) (R.S.V.,J.)  
17.07.2023

Index : Yes / No  
Speaking / Non-speaking order  
Neutral Citation : Yes / No.

mk

To

1. The Superintendent of Police  
Vellore  
Vellore District.
2. The Inspector of Police  
Sathuvachari Police Station  
Vellore District.
3. The Public Prosecutor  
High Court, Madras.



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*HCP No.1262 of 2023*

**M.SUNDAR, J.,**  
**and**  
**R.SAKTHIVEL, J.,**

*mk*

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17.07.2023