



H.C.P.No.1779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1779 of 2023

Sasikala

. Petitioner
Wife of the detenu

Vs.

1. The Commissioner of Police
Greater Chennai
2. State Rep. By its
The Inspector of Police
H-3, Tondaiyarpur Police Station
Washermenpet

3. Padmavathy

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ order or direction in the nature of WRIT OF HABEAS CORPUS directing respondents 1 and 2 to produce the petitioner's husband Gunasekaran, male, aged about 36 years, son of Shanmugam before this Court and set him at liberty.

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For Petitioner : Ms.M.Kokila
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

After some arguments, Ms.M.Kokila, learned counsel on record for petitioner in 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity] sought leave of this Court to withdraw the captioned HCP, but made a plea to preserve all the rights and contentions of the petitioner and/or any one concerned for the petitioner's spouse (absentee) to come up with similar/same prayer or any other suitable prayer if there are any other developments. To be noted, this Course was adopted as it came to light that absentee (petitioner's spouse) is not in illegal custody of third respondent (petitioner's mother-in-law).



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2. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Endorsement:

Permit to Withdrawal
on not pressing.

Law. [Signature]
4641/19.
counsel for petitioner.
(N. KOKILA).
(13/9/2023).

3. Learned counsel reiterated the aforementioned endorsement in the hearing.

4. In the light of the narrative thus far, captioned HCP is disposed of as closed/withdrawn albeit preserving all the rights and contentions of petitioner, absentee, third respondent and anyone concerned with the matter qua any collateral / connected proceedings in any Court/s/Forum/Fora/ Authority/Authorities. Rights of petitioner and /or anyone concerned for absentee are also preserved in coming to this Court with same/similar prayer if there are any developments warranting the same. Though obvious, FIR already registered being FIR No.100 of 2023 on the file of H-3 Tondaiyarpet



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Police Station will proceed on its own merits and in accordance with law

i.e., investigation will proceed.

(M.S.,J.)

(R.S.V.,J.)

13.09.2023

gpa

To

1. The Commissioner of Police
Greater Chennai
2. The Inspector of Police
H-3, Tondaiyarpur Police Station
Washermenpet
3. The Public Prosecutor
High Court, Madras.



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

gpa

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