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H.C.P.No.1677 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1677 of 2023

M.Anantharaj
S/o. Madasamy (Late)

.. Petitioner

Vs.

1. The Assistant Commissioner of Office
Selaiyur, Chennai-600 045.

2. The Inspector
S12, Chitlapakkam Police Station
Jyothi Nagar, Chennai-600 064.

..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, to direct the respondents to produce the petitioner's wife Aruna Rajagopal aged 40 years and his Children xxxxx S/o M.Anantharaj (aged 12 years) and yyyyyy, son of M.Anatharaj (aged 5 years) before this Honble court and set him at liberty

For Petitioner	:	Mr.P.Rajendra Kumar
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

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

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In the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity, convenience and clarity] we are informed that a complaint of the petitioner is now with All Women Police Station, Selaiyur within the Tambaram Police Commissionerate vide CSR No.335 of 2023 dated 31.8.2023. Moreover, petitioner's erstwhile spouse, who has obtained judicial separation has not been arrayed as co-respondent (atleast with last known residence / address). Further more, the order of judicial separation vide O.P.No.2953 of 2021 on the file of II Additional Family Court, Chennai has also not been placed before us.

2. Faced with the above situation, Mr.P.Rajendra Kumar, learned counsel on record for the petitioner sought leave of this Court to withdraw the captioned HCP but made a plea that all rights and contentions of the petitioner and / or anyone concerned for the absentees may please be preserved for filing a fresh HCP with same / similar prayer after doing the needful with regard to the aforementioned points.

3. To be noted, learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

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withdrew application by
the petitioner's counsel
H.C.P. may be withdrawn.
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4. In the light of the narrative thus far, captioned HCP is disposed of as closed / withdrawn albeit preserving all rights of the petitioner and / or anyone concerned for the absentees to come to this Court or to move any other appropriate Court/s/Forum/Fora/Authority/Authorities with similar / same prayer i.e., similar HCP after doing needful qua aforementioned points.

5. Captioned HCP is disposed of as closed / withdrawn albeit with preservation of rights in the aforesaid manner.

(M.S.,J.)

(R.S.V.,J.)

31.08.2023

Index : Yes/No

Speaking / Non-speaking

Neutral Citation : Yes / No

mk

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

mk

To

1. The Assistant Commissioner of Office
Selaiyur, Chennai-600 045.
2. The Inspector
S12, Chitlapakkam Police Station
Jyothi Nagar, Chennai-600 064.
3. The Public Prosecutor
High Court, Madras.

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