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HCP No.1703 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1703 of 2023

Sureshkumar

.. Petitioner

Vs.

1. The Superintendent of Police
Tiruppur District
2. The Superintendent of Police
Tiruppur District
3. The Inspector of Police
Dharapuram Police Station
Tiruppur District
4. The Sub-Inspector of Police
Dharapuram Police Station
Tiruppur District

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing Respondents 1 to 4 to produce the person and body of the petitioner's wife Priya, aged about 30 years before this Court and set her at liberty.

For Petitioner

:

Mr.M.Arun



HCP No.1703 of 2023

of M/s.Karan and Uday [Law Firm]

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For Respondents

:

Mr.E.Raj Thilak

Additional Public Prosecutor

ORDER

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

After some arguments, Mr.M.Arun of M/s.Karan and Uday [Law Firm], learned counsel for petitioner sought leave to withdraw the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2. To be noted, there is no averment of illegal detention or unlawful custody in the complaint dated 06.08.2023 saying that absentee is missing from 23.07.2023. However, one unsubstantiated sentence which reads thus *'The petitioner understood thus she is under illegal custody of someone'* has been included in paragraph 5 of the support affidavit. It came to light that this sentence has been added solely with the intention of bringing the captioned HCP within the habeas legal umbrella. We are also informed by learned counsel that age of the child who was born out of wedlock between the petitioner and absentee is not known but the child is with the petitioner. There is also matrimonial discord between petitioner and absentee even according to the complaint.



HCP No.1703 of 2023

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

Maybe permitted
to withdraw this petition
H. Am (M. ARUN)
E. No: 293/2017
4/9/2023
for Karam and today.

4. Aforementioned endorsement is reiterated in the hearing by the learned counsel.

5. Captioned HCP disposed of as closed/withdrawn but all the rights and contentions of the petitioner and/or any one concerned for the absentee are preserved for moving an appropriate Court with a suitable petition. It is also made clear that if there are any other developments warranting a habeas legal drill, it is open to the petitioner and / or any one concerned for the



HCP No.1703 of 2023

absentee to come to this Court with similar / same prayer notwithstanding
closure of captioned HCP.

(M.S.,J.) (R.S.V.,J.)
04.09.2023

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

To

1. The Superintendent of Police
Tiruppur District
2. The Superintendent of Police
Tiruppur District
3. The Inspector of Police
Dharapuram Police Station
Tiruppur District
4. The Sub-Inspector of Police
Dharapuram Police Station
Tiruppur District
5. The Public Prosecutor
High Court, Madras.



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

gpa

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