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H.C.P.No.1749 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1749 of 2023

M.Udhaya Kumar
S/o.Mayathevar

.. Petitioner

Vs.

1. The Commissioner of Police
Tambaram City
Tambaram.
2. The Inspector of Police
T-11, Somangalam Police Station
Tambaram District.

..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 2nd respondent herein to produce the petitioner's son namely Harisva S/o Udhayakumar, aged 19 years before this Honble Court and Subsequently restore her legal custody with the petitioner.

For Petitioner : Ms.Pandi Meena
representing Mr.R.Karthick Sevugapperumal
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

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ORDER

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

After some arguments, Ms.Pandi Meena, learned counsel representing the 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, as there is no averment of illegal detention or unlawful custody either in the complaint dated 07.08.2023 (FIR No.135 of 2023 on the file of Somangalam Police Station, Tambaram) or in the support affidavit qua captioned HCP.

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

May Permit to withdraw
the Petition on 12.09.23
R. PANDIMEENA
R. Pandi Meena
12/9/23
Counsel for Petitioner



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3. Learned counsel reiterated the aforementioned endorsement in the hearing but made a request to preserve all the rights of the petitioner and / or anyone concerned for the petitioner's son for moving any other appropriate Court/s/Forum/Fora/ Authority/Authorities. Request acceded to.

4. All rights are preserved in this manner and if any other appropriate Court/s/Forum/Fora/Authority/Authorities is moved with a suitable petition, the same shall be dealt with on its own merits and in accordance with law untrammelled by this withdrawal order qua the captioned HCP.

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 Captioned HCP is disposed of as closed / withdrawn albeit with the aforementioned observations and preservation of rights in the aforesaid manner.

(M.S.,J.)

(R.S.V.,J.)

12.09.2023

Index : Yes/No

Speaking / Non-speaking

Neutral Citation : Yes / No

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

mk

To

1. The Commissioner of Police
Tambaram City
Tambaram.
2. The Inspector of Police
T-11, Somangalam Police Station
Tambaram District.
3. The Public Prosecutor
High Court, Madras.

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