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H.C.P.No.1712 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

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

H.C.P.No.1712 of 2023

Padmanaban

.. Petitioner

Vs

State Rep. By its

1.The Commissioner of Police,
The Greater Chennai,
Vepery, Chennai – 600 007.

2.The Inspector of Police,
Palavanthangal Police Station,
Chennai – 600 114.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person of the petitioner's daughter, namely, Varshini, D/o.Padmanaban, aged about 19 years, before this Court and set her at liberty.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

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ORDER

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

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After some arguments, Mr.W.Camyles Gandhi, learned counsel on record for petitioner sought leave of this Court to withdraw the captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of brevity, convenience and clarity) as there is no averment regarding illegal detention or unlawful custody. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Permit to withdraw this petition
W.C. Camyles Gandhi
Counsel for petitioner
W. Camyles Gandhi
5/9/23

2. Learned counsel on record for HCP petitioner reiterated the aforementioned endorsement in the hearing.

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3. In the light of the endorsement, reiteration of the same and request to preserve the rights, captioned HCP is disposed of as closed/withdrawn albeit preserving all the rights and contentions of the petitioner and or anyone concerned for the petitioner's daughter to either move an appropriate Court with a suitable petition and or come back to this Court with the same/similar prayer if there are any other developments of illegal detention or unlawful custody.

4. We make it clear that as regards the complaint lodged by the HCP petitioner, jurisdictional police shall proceed with the same on its own merits and in accordance with law *dehors* the closure of captioned HCP and carry it to its logical end.

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 Captioned HCP is disposed of as closed/withdrawn albeit with the aforementioned observations/preservation of rights in the aforesaid manner.

(M.S.,J.) (R.S.V.,J.)
05.09.2023

Index : Yes/No
Neutral Citation : Yes/No
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- 3.The Public Prosecutor,
High Court, Madras.



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

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