



H.C.P.No.1762 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1762 of 2023

D.M.Shenguttuvan
S/o.Murugesan

.. Petitioner

Vs.

1. The Superintendent of Police
Thiruvallur District - 631 208.
2. The Deputy Superintendent of Police
Thiruthani
Thiruvallur District - 631 208.
3. The Inspector of Police
D-6, Pothatturpet Police Station
Thiruvallur District - 631 208.

..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 respondent herein to produce the body of the detinue Pavithra, wife of Mr.Devaraj JK, aged 25 years and detinue Dharshini, daughter of Mr.Devaraj JK, aged 3 years before this Hon'ble Court and set them at liberty.

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For Petitioner : Mr.R.Sathiyaraj
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

After some arguments, Mr.R.Sathiyaraj, 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, as there is no averment of illegal detention or unlawful custody either in the complaint dated 24.08.2023 (FIR No.492 of 2023 on the file of Tiruvallur Police Station) 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:

ச. ரா. சத்தியராஜ்
கூடுதலாக இது மத்தி
R. Sundar
J. 01/09/23
Counsel for petitioner
Ms. 2008/18
(R. Sathiyaraj)



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 Captioned HCP is disposed of as closed / withdrawn albeit with the aforementioned observations and preservation of rights in the aforesaid manner.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

08.09.2023

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 Superintendent of Police
Thiruvallur District - 631 208.
2. The Deputy Superintendent of Police
Thiruthani
Thiruvallur District - 631 208.
3. The Inspector of Police
D-6, Pothatturpet Police Station
Thiruvallur District - 631 208.
4. The Public Prosecutor
High Court, Madras.

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