



WEB COPY



H.C.P.No.1881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM

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

H.C.P.No.1881 of 2023

M.Ajay

.. Petitioner

Vs

1.The Assistant Commissioner of Police,
Tharamani, Chennai – 113.

2.The State rep. By
The Inspector of Police,
J6 Police Station, Thiruvanmiyur,
Chennai – 41.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the first and second respondents to produce the body of petitioner's brother namely Vijay, aged about 24 years before this Court and set him at liberty.

For Petitioner : Mr.S.Ambedkar

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind

Page Nos.1/5



H.C.P.No.1881 of 2023

WEB COPY

ORDER

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

When the captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of brevity, convenience and clarity) was taken up, it came to light that there is no averment of illegal detention or unlawful custody of the 'petitioner's brother' (hereinafter 'absentee' for the sake of convenience and clarity).

2. Faced with the above situation, Mr.S.Ambedkar, learned counsel on record for petitioner sought leave of this Court to withdraw the captioned HCP and made an endorsement in the case file. A scanned reproduction of the same is as follows:



3. In the light of the aforementioned endorsement and reiteration of the same, captioned HCP is disposed of as closed/withdrawn albeit preserving the rights of the petitioner or



H.C.P.No.1881 of 2023

anyone concerned for the absentee to approach any Court/s/Forum/Fora/Authority/Authorities more particularly Section 482 Cr.P.C. Court or SHRC. If Court/s/Forum/Fora/Authority/Authorities/Section 482 Cr.P.C. Court or SHRC are approached, the Court concerned or the Commission concerned shall consider the matter on its own merits and in accordance with law *dehors* this HCP order which has been made for the limited purpose of giving a closure to the captioned HCP. It is also made clear that this Court has not expressed any view or opinion on the merits of the matter and therefore the SHRC or Section 482 Cr.P.C. Court or any other Court/Forum (if approached) shall consider the matter on its own merits and in accordance with law untrammelled by this order.

4. Captioned HCP is disposed of as closed/withdrawn albeit preserving all the rights and contentions of the petitioner, absentee and or anyone concerned for the absentee in the aforesaid manner.

(M.S.,J.) (R.S.V.,J.)
29.09.2023

Index : Yes/No
Neutral Citation : Yes/No
mmi

To

Page Nos.3/5



H.C.P.No.1881 of 2023

WEB COPY

- 1.The Assistant Commissioner of Police,
Tharamani, Chennai – 113.
- 2.The Inspector of Police,
J6 Police Station, Thiruvanmiyur,
Chennai – 41.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



H.C.P.No.1881 of 2023

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

mmi

H.C.P.No.1881 of 2023

29.09.2023

Page Nos.5/5