



H.C.P(MD)No.1268 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.10.2023

Coram

THE HON'BLE MR.JUSTICE M.SUNDAR
and
THE HON'BLE MR. JUSTICE R.SAKTHIVEL

H.C.P(MD)No.1268 of 2023

Anitha

.. Petitioner

VS

**1.The Superintendent of Police,
Sivagangai District,
Sivagangai.**

**2.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.**

3.Eswari

.. Respondents

Prayer:- 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 secure and produce the body or person of the detenu namely Velmurugan, S/o.Baskara Sethupathi, aged about 28 years before this Court and set him at liberty.



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For Petitioner : Ms.S.Prabha
for Mr.D.Ramesh Kumar

For RR 1 & 2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

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

Ms.S.Prabha, learned counsel representing counsel on record for petitioner is before us.

2.When the matter was taken up, we were informed by learned Additional Public Prosecutor, on instructions from second respondent/Mr.B.B.Maniyan, Inspector of Police, Poovanthi Police Station, Sivagangai District, that the petitioner's spouse has not reported for duty from 16.06.2023 and he has now been classified as a deserter. There is no allegation of illegal detention or unlawful custody by anyone, much less third respondent. However, the petitioner has given a complaint dated 04.09.2023 about the petitioner's spouse missing. Let the investigation proceed in accordance with law.

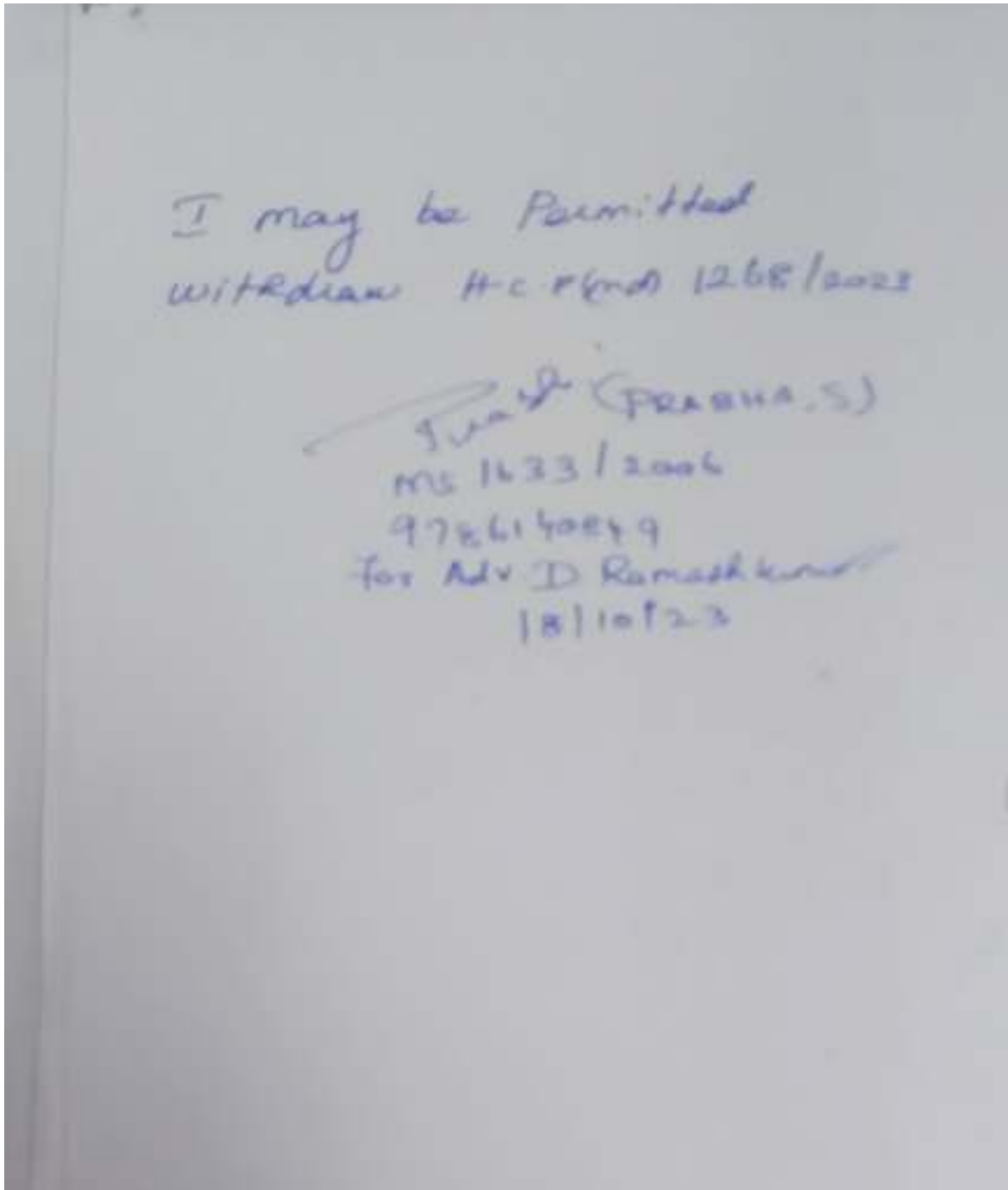


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3.Faced with the above situation, learned counsel made an

endorsement in the case file and a scanned reproduction of the same is

as follows:





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4.Adverting to the aforementioned endorsement, learned counsel sought leave of this Court to withdraw the captioned Habeas Corpus Petition [hereinafter 'HCP' for the sake of brevity]. Learned counsel also made a request to preserve all the rights of the petitioner qua aforementioned complaint and/or any connected/collateral proceedings in any other Court/Courts/Fora/Forum/ Authority/Authorities. Request acceded to.

5.In the light of the narrative thus far, captioned HCP is disposed of as closed/withdrawn albeit preserving all rights and contentions of all concerned in the aforementioned manner.

(M.S.,J.) (R.S.V.,J.)
18.10.2023

Index : Yes/No
Neutral Citation : Yes/No
ps



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Sivagangai District,
Sivagangai.
 - 2.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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