



HCP(MD)No.1421 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1421 of 2023

J.Rosa Banu

: Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvarur District.

3.The Inspector of Police,
Thirunagar Police Station,
Madurai District.

4.The Inspector of Police,
Muthupettai Police Station,
Thiruthuraipoondi Taluk,
Thiruvarur District.

: Respondents



HCP(MD)No.1421 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents herein to produce the body or person of petitioner's husband M.Jahir Hussain, S/o.Mohideen Pitchai, aged about 52 years before this Hon'ble Court and set him at liberty within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.R.Meenakshi Sundaram,
Addl. Public Prosecutor

ORDER

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

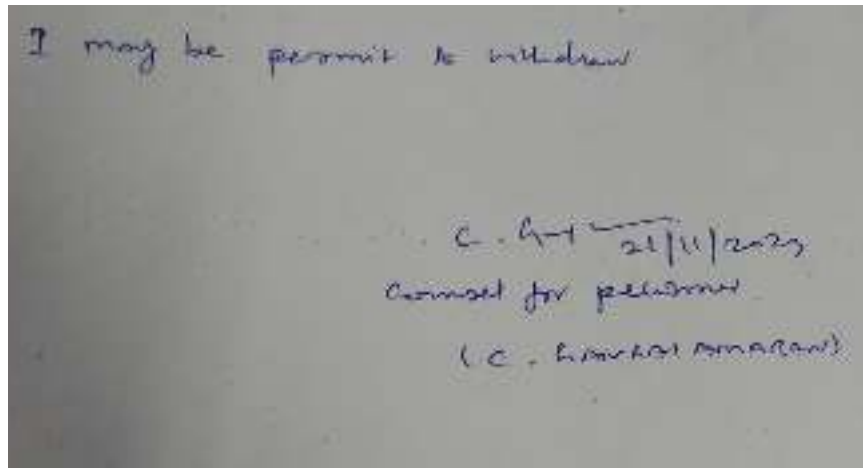
When the matter was taken up, as there is no allegation of illegal custody, learned counsel sought leave of this Court to withdraw the captioned HCP, but made a plea that the rights of HCP petitioner and or any one concerned for the absentee [to be noted, absentee is HCP petitioner's husband] be preserved. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:



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HCP(MD)No.1421 of 2023



2. In the light of the narrative thus far, this captioned HCP is disposed of as closed / withdrawn but all the rights and contentions of HCP petitioner and or any one concerned for absentee are preserved for moving appropriate Court/s/Forum/Fora/Authority/Authorities with a suitable prayer. If appropriate Court/s/Forum/Fora/Authority/Authorities are moved, the same shall consider the matter on its own merits and in accordance with law de hors the closure / withdrawal of captioned HCP.

3. We also make it clear that the rights of HCP petitioner and or any one concerned for the absentee [HCP petitioner's husband] are preserved to come to this Court with similar / same prayer if there is any change of circumstances warranting a habeas drill.

4. Captioned HCP is disposed of as closed / withdrawn albeit with the



HCP(MD)No.1421 of 2023

aforementioned observations and preservation of rights in the aforesaid manner. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

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Neutral Citation : Yes/No
Index : Yes/No

vsm



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4. The Inspector of Police,
Muthupettai Police Station,
Thiruthuraipoondi Taluk,
Thiruvarur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

M.SUNDAR, J.

and



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R.SAKTHIVEL, J.

vsm

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