



H.C.P(MD)No.1474 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2023

CORAM :

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

H.C.P(MD)No.1474 of 2023

Ponnusamy

... Petitioner

vs.

1. The Deputy Superintendent of Police,
Puliyangudi Division,
Puliyangudi,
Tenkasi District.

2. The Inspector of Police,
Sernthamaram Police Station,
Tenkasi District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents to produce the body or person of the petitioner's son the detenu namely Sermalingam, son of Ponnusamy, aged 34 years before this Court and set him at liberty forthwith.

For Petitioner

: Mr.M.N.Rajapanth

for Mr.R.Mathava Selvam

For Respondent Nos.1 & 2

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed in this Court on 20.11.2023.

2. When the matter was taken up, it came to light that there is no averment of illegal detention or unlawful custody of HCP petitioner's son.

3. To be noted, 34 year old son of HCP petitioner was working in Pune but HCP petitioner is unable to contact him from 06.10.2023 is the complaint.

4. Though there is an averment in paragraph No.6 of the support affidavit that the petitioner's daughter-in-law gave a complaint dated 27.10.2023 in the Sernthamaram Police Station, Tenkasi District, but the complaint has not been placed before us.

5. Faced with the above situation, Mr.M.N.Rajapanth, learned counsel representing the counsel on record for HCP petitioner sought



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leave of this Court to withdraw the captioned HCP but made a request to preserve all the rights and contentions of the HCP petitioner and or anyone concerned for the absentee. Request acceded to.

6. Endorsement made by learned counsel representing the counsel on record for HCP petitioner in the case file is as follows:

May I request to withdraw on this
present petition

[Signature]
Counsel for Petitioner
(2-7/11/2023)
M. M. Rajagopal

7. In the light of the narrative thus far, captioned HCP is disposed of as closed/withdrawn albeit preserving all the rights and contentions of the HCP petitioner and or anyone concerned for the absentee to approach the appropriate Court / Courts / Forum / Fora / Authority/ Authorities, with suitable prayers/petitions. Though obvious, we make it clear that the appropriate Court / Courts / Forum / Fora / Authority/ Authorities shall consider the matter on its own merits and in accordance with law de hors the closure/withdrawal of captioned HCP.



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8. This Court also makes it clear that rights and contentions of the HCP petitioner and or anyone concerned for the absentee are preserved for coming back to this Court with a similar/same prayer if there is any change in circumstances. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
27.11.2023

Index : Yes/No
Neutral Citation : Yes/No
PKN

To

1. The Deputy Superintendent of Police,
Puliyangudi Division,
Puliyangudi,
Tenkasi District.
2. The Inspector of Police,
Sernthamaram Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

PKN

ORDER MADE IN
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