



H.C.P(MD)No.1492 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.11.2023

Coram

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

H.C.P(MD)No.1492 of 2023

Ayyavu

.. Petitioner

VS

1.The Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

3.Balamurugan

.. 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 herein to produce the body or person of the petitioner's wife Nathiya, W/o.Ayyavu aged about 30 years before this Court and set her at liberty.

For Petitioner : Mr.S.Ramasamy

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



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ORDER

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity] has been filed in this Court on 22.11.2023.

2.Short facts are that 58 years old HCP petitioner's wife is one Nathiya, aged about 30 years; that this 'Nathiya' shall hereinafter be referred to as '*absentee*' for the sake of convenience; that petitioner and absentee moved from Melur in Madurai to Orathanadu in Thanjavur District for their avocation of rearing and herding ducks; that this migration was on 29.05.2023; that from 23.06.2023 absentee is missing is HCP petitioner's say; that HCP petitioner lodged a complaint on 30.06.2023, this complaint was lodged in Orathanadu Police Station and the same was taken on file vide First Information Report No.605 of 2023 dated 30.06.2023 (woman missing); that from the wedlock between HCP petitioner and absentee, there are three minor children aged 12 years, 9 years and 7 years; that fearing illegal detention qua third respondent (to be noted third respondent is a private respondent) captioned HCP has been filed.



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3. When the matter was taken up, learned counsel for HCP petitioner very fairly submitted that three minor children are with HCP petitioner.

4. This submission is recorded.

5. It comes to light that it is a case of matrimonial discord between HCP petitioner and absentee.

6. In the light of the above scenario, learned counsel on record for HCP petitioner made an endorsement in the case file and a scanned reproduction of the same is as follows:

29.11.2023
On instructions from my client
I permit to withdraw
the petition.
1. Re L1
Counsel for HCP
29/11/23



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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 HCP petitioner to approach appropriate Court/Courts/Fora/Forum/Authority/Authorities including Family Court. If appropriate Court/Courts/Fora/Forum/Authority/Authorities are approached the same shall consider the matter on its own merits and in accordance with law *de hors* withdrawal of captioned HCP.

8.We also preserve the rights of the petitioner and/or anyone concerned for the absentee to come back to this Court with same/similar prayer if there is any change in circumstances.

9.Captioned HCP is disposed of as closed/withdrawn albeit with the aforementioned observations and preservation of rights in the aforesaid manner. There shall be no order as to as costs.

(M.S.,J.) (R.S.V.,J.)
29.11.2023

Index : Yes/No
Neutral Citation : Yes/No



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- To
- 1.The Superintendent of Police,
Thanjavur District.
 - 2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

ps

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