



HCP(MD)No.1589 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.12.2023

CORAM :

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

H.C.P(MD)No.1589 of 2023

C.Selva Prasad

... Petitioner

vs.

1. The Superintendent of Police,
Kanyakumari District,
At Nagercoil.

2. The Inspector of Police,
Aranmanai Police Station,
Kanyakumari District.

3. S.Pravin Raj

... Respondents

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 namely, Nandhini, daughter of Rajan aged about 25 years from the illegal custody of the 3rd respondent herein before this Court and set her at liberty.

For Petitioner
For R1 & R2

: Mr.M.R.Sreenivasan
: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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

When the matter was taken up, Mr.M.R.Sreenivasan, learned counsel on record for HCP petitioner sought leave of this Court to withdraw the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity] and learned counsel has made an endorsement in the case file and a scanned reproduction of the endorsement is as follows:

The petitioner may be permitted to withdraw the said Habeas Corpus Petition with liberty to file appropriate Petition before the Competent Court.

M. R. Sreenivasan 19/12/2023
Counsel for the Petitioner
[M. R. SREENIVASAN]

2. Learned counsel on record for HCP petitioner requests this Court to preserve all the rights and contentions of HCP petitioner and or any one concerned for HCP petitioner's spouse to work out the remedy in appropriate Court / Courts / Forum / Fora / Authority / Authorities including Family Court. Request acceded to.



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3. If Family Court and or any other appropriate Court / Courts / Forum / Fora / Authority / Authorities are approached, the same shall deal with the matter on its own merits and in accordance with law untrammelled / uninfluenced by withdrawal / closure of captioned HCP.

4. It is open to HCP petitioner to come back to this Court with same / similar prayer if there is any change in circumstances turning on illegal custody or unlawful detention.

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 Captioned HCP is disposed of / withdrawn albeit with aforementioned observation and preservation of rights in the aforesaid manner.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

(M.S., J.) (R.S.V., J.)
19.12.2023

Index : Yes / No
Neutral Citation : Yes / No
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To
1. The Superintendent of Police,
Kanyakumari District,
At Nagercoil.



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

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2. The Inspector of Police,
Aranmanai Police Station,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
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