

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.09.2016**

CORAM:

THE HON'BLE MR.JUSTICE **A.SELVAM**
AND
THE HON'BLE MR.JUSTICE **P.KALAIYARASAN**

H.C.P.No.720 of 2016

Rajeswari

... Petitioner

VS.

1. State of Tamilnadu
rep.by the Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai 9

2.The Commissioner of Police
The Commissioner Office
Vepery, Chennai 600 007

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus, directing th respondents to produce the petitioner's son by name Parthiban, son of Srinivasan, aged about 34 years before this Hon'ble Court now confined in Central Prison, Puzhal, Chennai and set him at liberty and to call for the records pertaining to the order of detention passed in No.169/BCDFGISSV/2016 dated 20.2.2016 passed by the 2nd respondent and set aside the same.

For Petitioner : Mr.K.Thenrajan
For Respondents :Mr.V.M.R.Rajentren, APP

ORDER

(Order of the Court was made by **A.SELVAM,J.**)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to call for the records relating to detention order, dated 20.2.2016, passed in

No.169/BCDFGISSV/2016, by the detaining authority, who has been arrayed as the second respondent herein, against the detenu, by name Parthiban, S/o.Srinivasan and quash the same.

2. The Inspector of Police, Korukkupet Police Station, as sponsoring authority, has submitted an affidavit to the detaining authority, wherein it is averred that the detenu has already involved in the following adverse cases:

(1) H.4 Korukkupet Police Station Crime No.566 of 2015, registered under Sections 341, 294(b), 323, 384 and 506(ii) of the Indian Penal Code

(2) H.4 Korukkupet Police Station Crime No.712 of 2015, registered under Sections 341, 294(b), 323, 384, 336, 427, 307 and 506(ii) of the Indian Penal Code

(3) H.4 Korukkupet Police Station Crime No.102 of 2016, registered under Sections 341, 294(b), 323, 384 and 506(ii) of the Indian Penal Code.

3. Further, it is averred in the affidavit that on 7.2.2016, one Arun, son of Raj, as defacto complainant, has given a complaint against the detenu in Korukkupet Police Station and the same has been registered in Crime No.109 of 2016 under sections 341, 294(b), 323, 384, 336, 427, 307 and 506(ii) of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

4. The detaining authority, after considering the averments made in the affidavit and other connected documents, has

derived subjective satisfaction to the effect that the detenu is a habitual offender and ultimately branded him as a 'Goonda' by way of passing the impugned detention order and in order to quash the same, the present petition has been filed by the mother of the detenu, as petitioner.

5. The learned Additional Public Prosecutor appearing for the respondents has contended that the detention order in question has been revoked by the Government of Tamil Nadu, by virtue of G.O.Rt.No.2163, dated 18.5.2016 and a copy of the same has been submitted for perusal and this Court has perused the same and found that the detention order in question has already been revoked by the Government.

6. Considering the aforesaid factual circumstances, the relief sought in the petition has become infructuous.

In fine this Habeas Corpus Petition is dismissed.

(A.S.J.) (P.K.J.)
19.09.2016

Index:Yes/no
ajr

**A.SELVAM,J.
AND
P.KALAIYARASAN,J**

ajr

To

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