



WEB COPY



HCP.No.1387 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1387 of 2024

Priya Dharshini

... Petitioner

Vs.

- 1 State of Tamil Nadu represented
By Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2 The Commissioner of Police,
Greater Chennai.
- 3 The Superintendent of Prison
Central Prison, Puzhal, Chennai.
- 4 State rep by the Inspector of Police
V-7, Nolambur Police Station,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records of the 2nd respondent pertaining to the order made in Memo No.525/BCDFGISSSV/2024, Dated 17.05.2024 in detaining the detainee under the Tamil Nadu Act 14/1982 as a brand of Goonda and quash the same and direct the respondents to produce the detainee, the petitioner's husband Hariharan @ Nandhu, Son of Sivakumar, aged 23 years who is detained at the Central Prison, Puzhal, Chennai before this Court and set him at liberty.



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For Petitioner : Mr.S.Karthick
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the second respondent in Memo No.525/BCDFGISSSV/2024, Dated 17.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.Three adverse cases have been relied upon for invoking preventive detention law. The first adverse case was registered in Crime No.1640 of 2020, second case in Crime No.111 of 2021 and third case in Crime No.196 of 2023. Therefore, the first two relied on cases have no proximity with the ground case. The learned counsel for the petitioner would submit that the similar order relied upon by the detaining authority is dissimilar and in the ground case, the detenu has been charged under Sections 147, 148, 341, 294 (b), 323, 324, 363, 307 and 506 (ii) IPC. However, in the similar order, Section 363 has not been included and therefore, it is not similar.



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3. In view of the fact that the relied on cases have no proximity with the ground case, we are inclined to interfere.

4. Thus, the impugned order of detention in Memo No.525/BCDFGISSSV/2024, Dated 17.05.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Hariharan @ Nandhu, Son of Sivakumar, aged 23 years who is detained at the Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

02.09.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

1. State of Tamil Nadu represented
By Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
2. The Commissioner of Police
Greater Chennai.
3. The Superintendent of Prison
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4. State rep by the Inspector of Police
V-7, Nolambur Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

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