



WEB COPY



HCP.No.1572 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

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

H.C.P.No.1572 of 2024

Karuthamma

.... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep.by its Addl Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2.The Commissioner of Police,
Greater Chennai, Vepery, Chennai -07.

3.The Superintendent
Central Prison, Puzhal,
Chennai – 600 066.

4.Inspector of Police
E-4, Abiramapuram Police Station,
Chennai.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the proceedings of the 2nd respondent in B.C.D.F.G.I.S.S.V.No.636/2024 dated 06.06.2024 against the petitioner's husband Purushothaman, male aged about 25 S/o.Ramachandran and



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quash the same and consequently, direct the respondents herein to produce the detainee who is detained under the Tamil Nadu Act 14 of 1982 currently confined the Central Prison, Puzhal before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. P.Surendran
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The impugned order of detention reveals that four adverse cases have been taken into consideration registered by E-4 Abhiramipuram Police Station in crime Nos. (1).12 of 2023 under Sections 294 (b), 323, 324, 427, & 506(ii) IPC, (2).38 of 2023 under Sections 294(b), 384, & 506(ii) IPC, (3). 89 of 2023 under Sections 341, 294(b), 323, 384 & 506(ii) IPC and (4). 134 of 2024 under Sections 294(b), 397 & 506(ii) IPC.

2.The said cases would be insufficient to form an opinion that there are likelihood of breach of public order. The detaining authority is expected to apply mind to form an opinion that there are likelihood of causing breach of public order and in the absences of any such clear finding to that extent, the order of detention



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cannot be sustained. The involvement of a person in cases relating to individual disputes cannot be a ground to detain a person under Act 14 of 1982. In the present case, the nature of adverse cases relied on by the detaining authority would be insufficient to arrive at a conclusion that the activities of detainee would cause breach of public order. Thus, the detaining authority has not applied mind with reference to the scope of the Provisions of Act 14 of 1982.

3. Accordingly, the impugned order of detention in in B.C.D.F.G.I.S.S.V.No.636/2024 dated 06.06.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Purushothaman, male aged about 25 S/o.Ramachandran, confined at Central Prison, Puzhal, 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.]

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13.08.2024

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

To



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Chennai – 600 066.
4. Inspector of Police
E-4, Abiramapuram Police Station,
Chennai.
5. The Public Prosecutor, High Court, Madras.

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.



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