



WEB COPY



HCP.No.1610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM :

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

H.C.P.No.1610 of 2024

R.Valarmathi

... Petitioner

Vs.

1. The Secretary To Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. Inspector Of Police
J-1 Saidapet Police Station, Chennai.
Crime No.189 of 2024.

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, call for the entire records pertaining to the order of detention passed by the second respondent in his proceedings in No.663/BCDFGISSSV/2024, dated 11.06.2024 and quash the same as illegal and produce the detainee, namely Sugumar, S/o.Rajendran, aged 22 years, as GOONDA, now he is confined in Central Prison, Puzhal-II, Chennai before this Court and set him at liberty and thus render Justice.

For Petitioner : Mr. S.Lokesh

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 herein in No.663/BCDFGISSSV/2024 dated 11.06.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.The detainee was arrested on 16.05.2024 and the impugned order of detention was issued on 11.06.2024. Perusal of the ground case would reveal that there is a family dispute regarding illegal intimacy and there was an alleged attack between two family members. The alleged occurrence is relating to individual affairs and therefore, an inference



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cannot be drawn that there is likelihood of causing breach of public order.

Certain individual disputes resulted in crime would not constitute breach of public order warranting invocation of preventive detention law. The scope of preventive detention law cannot be expanded for the purpose of detaining the accused persons under the guise of breach of public order. The breach of public order has already been defined by the Courts on several occasions and therefore, the detaining authority is expected to be cautious while invoking Act 14 of 1982.

3.In the present case, the ground itself reveals that there is some family dispute regarding illicit affairs and therefore, we are of the opinion that the impugned detention order is unnecessary and the accused persons can be dealt under the Criminal Law applicable and by following the procedures as contemplated.

4.Accordingly, the impugned order of detention in proceedings No.BCDFGISSSVNo.663/2024, dated 11.06.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Sugumar, S/o.Rajendran, aged 22 years, as GOONDA, now he is confined in Central



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Prison, Puzhal-II, 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.]

20.08.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

1. The Secretary To Government,
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2. The Commissioner of Police,
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Office of the Commissioner of Police,
Vepery, Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. Inspector Of Police
J-1 Saidapet Police Station, Chennai.
- 6.The Public Prosecutor,
Madras High Court.

S.M.SUBRAMANIAM, J.
AND



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V.SIVAGNANAM, J.

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