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HCP.No.1859 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

H.C.P.No.1859 of 2024

Geetha

... Petitioner

Vs.

1. The Government Of Tamil Nadu
Rep. by its Additional 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
J-1 Saidapet Police Station, Chennai. Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, call for the entire records relating to the proceedings of the 2nd respondent in BCDFGISSSVNo.661/2024, dated 11.06.2024, against the petitioner's husband Pradeep @ Kullu, Male, aged 26, S/o. Nandhagopal and



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quash the same and consequently direct the respondents herein to produce the detenu who is detained under the tamil nadu Act 14 of 1982 currently confined in the Central Prison, Puzhal, before this 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 order of detention passed by the second respondent herein in BCDFGISSSVNo.661/2024, dated 11.06.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. The learned Additional Public Prosecutor would raise an objection by stating that there are nine previous criminal cases pending against the detenu. The details provided by the learned Additional Public Prosecutor would reveal that most of the cases are registered under Section 379 IPC and all the cases were registered during the year 2017 -2018. There is no registration of cases after 2018.



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3. That being the factum, the inference drawn by the police authorities that there is likelihood of causing breach of public order is not supported by any material documents. After 2018, no criminal case has been registered against the detainee. That being so, the detention order passed against the detainee is unnecessary.

4. Accordingly, the impugned order of detention in proceedings BCDFGISSSVNo.661/2024, dated 11.06.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Pradeep @ Kullu, Male, aged 26, S/o. Nandhagopal, detained in the 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.]

[R.S.V., J.]

sli

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



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5. The Public Prosecutor,
High Court, Madras.



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