



HCP.No.2262 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**  
**AND**  
**THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE**

**H.C.P.No.2262 of 2024**

D.Vijayalakshmi

... Petitioner/Wife of the Detenu

***Vs.***

1. The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,  
Greater Chennai,  
Vepery, Chennai - 600 007.
3. The Inspector of Police,  
P-5, M.K.B. Nagar Police Station,  
Chennai.
4. The Superintendent of Prison,  
Central Prison,  
Puzhal, Chennai.

... Respondents



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**Prayer:** Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 26.06.2024 in Memo No.723/BCDFGISSSV/2024 against the petitioner's husband Dineshkumar @ Thaadi Dinesh, S/o. Ganesan, aged about 35 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

|                 |                              |
|-----------------|------------------------------|
| For Petitioner  | : Mr.V.Paarthiban            |
| For Respondents | : Mr.E.Raj Thilak            |
|                 | Additional Public Prosecutor |

### **ORDER**

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

The preventive detention order passed by the second respondent dated 26.06.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. The learned Additional Public Prosecutor would submit that the similar case relied on by the detaining Authority is dissimilar.

4. In the similar case, bail was granted where the accused therein was



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facing criminal case registered under Section 307 of IPC. However, in the case of detenu, there is no case registered under Section 307 of IPC, but a criminal case was registered under Sections 324 and 506 (ii) of IPC. Therefore, the detaining Authority has not applied his mind while passing the order of detention.

4. For the aforesaid reasons, the detention order passed by the second respondent in proceedings No.723/BCDFGISSSV/2024 dated 26.06.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Dineshkumar @ Thaadi Dinesh, aged 35 years, S/o. Ganesan confined at Central Prison, Chennai is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.] [A.D.M.C., J.]  
26.09.2024

Index: Yes/No  
Speaking/Non-speaking order  
*veda*



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1. The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600 009.
2. The Joint Secretary to Government,  
Public (Law and Order) Department,  
Fort St.George, Chennai - 9.
3. The Commissioner of Police,  
Greater Chennai,  
Vepery, Chennai - 600 007.
4. The Inspector of Police,  
P-5, M.K.B. Nagar Police Station,  
Chennai.
5. The Superintendent of Prison,  
Central Prison,  
Puzhal, Chennai.
6. The Public Prosecutor,  
Madras High Court,  
Chennai - 104.



WEB COPY



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**S.M.SUBRAMANIAM, J.**  
**AND**  
**DR.JUSTICE A.D.MARIA CLETE, J.**

*veda*

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