



HCP.No.2385 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

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

H.C.P.No.2385 of 2024

A.Swathi

... Petitioner/Wife of the
detenu

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai.
3. The Superintendent of Police,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
G-2, Periyamedu Police Station,
Chennai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.735/BCDFGISSSV/2024 dated 27.06.2024 and quash the same as illegal and produce the detenu namely Arunkumar @ Thaveed, S/o. Tamilarasan, aged 24 years, GOONDA, now he is confined at Central Prison, Puzhal - II, Chennai before this Court and set him at liberty.

For Petitioner : Mr.C.Raja

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 27.06.2024 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.



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3. Two adverse cases are relied on for the purpose of issuing the impugned detention order.

4. The learned Additional Public Prosecutor appearing on behalf of the respondents brought to the notice of this Court that the detenu has involved in other previous cases.

5. The details provided in the booklet would reveal that some of the cases were registered in the year 2018 and 2019 and four or five cases are registered in the year 2023 and 2024. However, all those cases can be deal with under the regular penal law. The element of causing breach of public order is missing. Since the relied on cases can be dealt with under the law of land, it would be insufficient for the purpose of invoking Act 14 of 1982.

6. Hence, for the aforesaid reasons, the detention order passed by the second respondent in proceedings No.735/BCDFGISSSV/2024 dated 27.06.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**.



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The detenu viz., Arunkumar @ Thaveed, aged 24 years, S/o. Sathiyamoorthy, confined at Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.] [V.S.G., J.]
30.10.2024

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

WEB COPY

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



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

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