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H.C.P.No.2591 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2024

CORAM:

THE HON'BLE MR.JUSTICE P.B.BALAJI

and

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

H.C.P.No.2591 of 2024

and Crl.M.P.No.14143 of 2024

Muthukumar

...Petitioner

Vs

- 1.The State rep by
The Superintendent of Police,
O/o. Superintendent of Police,
Kancheepuram District.
- 2.The Superintendent of Police,
O/o. Superintendent of Police,
Tiruvallur District.
- 3.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Sriperumbathur,
Kancheepuram District.
- 4.Udhayakumar,
The Assistant Superintendent of Police,
O/o. Deputy Superintendent of Police,
Sriperumbathur,
Kancheepuram District.
- 5.The Inspector of Police,
C2, Sunguvachathiram Police Station,
Kancheepuram District.

..Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ order or direction in the nature of WRIT OF HABEAS CORPUS, directing the respondents to produce the detenues viz., 1.Ellan, 2.Rajaboopathy, 3.Ashiq Ahamed, 4.Balaji, 5.Shanmugam, 6.Mohanraj, 7.Anandan, 8.Sivanesan before this Court from the illegal custody of the respondents and set them at liberty.

For Petitioner : Mr.N.GR.Prasad
for Mr.R.Thirumoorthy

For Respondents : Mr.A.Damodharan
Additional Public Prosecutor

ORDER

(Order of the Court was made by MR.JUSTICE G.ARUL MURUGAN, J.)

Habeas Corpus Petition has been filed to direct the respondents to produce the detenues viz., 1.Ellan, 2.Rajaboopathy, 3.Ashiq Ahamed, 4.Balaji, 5.Shanmugam, 6.Mohanraj, 7.Anandan, 8.Sivanesan before this Court from the illegal custody of the respondents and set them at liberty.

2.Mr.N.GR.Prasad, learned counsel appearing for the petitioner submitted that the persons sought for in the Habeas Corpus Petition have



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been kept under illegal custody and they have come up with the Habeas Corpus Petition to set them at liberty.

3.Mr.A.Damodharan, learned Additional Public Prosecutor taking notice on behalf of the respondents submitted that there has been an agitation going on within the premises of the Samsung Company and in the said agitation, since there was a law and order issue and hence, FIR came to be registered on 08.10.2024 in Crime No.527 of 2024 for the offences under Sections 191(2), 296(b), 115(2), 132, 121(1), 351(2) and 49 of BNS, 2023. The FIR has been registered against the named 6 and 30 other persons, among which, A1 to A8 were arrested yesterday at 5.00 p.m., and they were produced before the learned Judicial Magistrate, Sriperumbudur, in the Camp Office at Kundrathur.

4.The learned Additional Public Prosecutor on instructions submitted that the learned Judicial Magistrate, Sriperumbudur refused to accept the remand and therefore they have been set at liberty. He further submitted that today A1 to A8 are before the Judicial Magistrate, Sriperumbudur, for furnishing sureties. In that context, the learned Additional Public Prosecutor submitted that they have not been under any illegal custody and that they



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have been let off yesterday evening itself. Once the learned Judicial Magistrate refused to accept the remand, for complying with the conditions, A1 to A8 appeared before the Judicial Magistrate, Kundrathur, today to execute the sureties.

5.The learned counsel appearing for the petitioner submitted that though they are carrying on a peaceful agitation, however, the respondent police are intervening in the agitation being carried out. In this context, it is also brought to our notice that already the Company has preferred a writ petition in W.P.No.25571 of 2024. The learned Single Judge of this Court, by an order dated 02.09.2024, passed the following orders:

“4.The learned counsel appearing for the members of the labour union submits that they have the intention to conduct another protest meeting on 04.09.2024 as stated by the learned Government Advocate (Crl. Side). They will not cause any disturbance to the movement of employees or vehicle to the factory premises and all their protest and meeting will be 500 meters away from the factory premises and they shall not any way disturb the production activity of the workers, who willing to work.

5.The petitioner and the union shall resolve their issue before the conciliation officer and arrive at a settlement as early as possible. With this observation, this



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Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.”

6.Since already necessary safeguards have been made and also the employees have been allowed to go on strike peacefully as set out in the orders, as we find that from the instructions of the learned Additional Public Prosecutor that there is no illegal custody as projected by the petitioner, we feel no further orders are required in the Habeas Corpus Petition.

7.Recording the submissions of the learned Additional Public Prosecutor, the Habeas Corpus Petition stands closed. Consequently, connected Criminal Miscellaneous Petition is closed.

(P.B.B.J.,) (G.A.M.J.,)

09.10.2024

Index : Yes/No
Speaking Order/Non Speaking Order
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Note: Issue order copy on 09.10.2024.



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P.B.BALAJI, J.
and
G.ARUL MURUGAN, J.

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To

- 1.The Superintendent of Police,
O/o. Superintendent of Police,
Kancheepuram District.
- 2.The Superintendent of Police,
O/o. Superintendent of Police,
Tiruvallur District.
- 3.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Sriperumbathur,
Kancheepuram District.
- 4.The Assistant Superintendent of Police,
O/o. Deputy Superintendent of Police,
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