



HCP.No.2683 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.2683 of 2024

Mukesh Kumar

... Petitioner/brother in law of detenu

Vs

1. The State of Tamil Nadu,
represented by the Secretary to Government,
Prohibition and Excise Department,
Fort St. George,
Chennai 600 009.

2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai 600 007.

3. The Inspector of Police,
ANTI-VICE SQUAD II Police Station,
Chennai District.

4. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.

... Respondents



HCP.No.2683 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records, relating to the detention order dated 18.09.2024 passed by the 2nd respondent in the proceedings in vide no.964/2024 and to quash the same, consequently direct the respondents herein to produce the petitioner's brother in law, namely, Sanjay Kumar, S/o. Samath Raj, aged about 42 years, who is presently under going detention in the Central Prison, Puzhal, Chennai as " Immoral Traffic Offender " before this Court and set him at liberty forthwith.

For Petitioner	: Mr. C. Prabakaran
For Respondents	: Mr.E. Raj Thilak Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent, vide no.964/BCDFGISSSV/2024 dated 18.09.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Based on the ground case, the impugned order of detention has been issued. No adverse case has been relied on and the learned Additional Public



HCP.No.2683 of 2024

Prosecutor was not able to submit any previous antecedent. Thus, we are of the opinion that the ground case alone would be insufficient for invoking Act 14 of 1982.

3. Though the ground case has been registered under Immoral Traffic Prevention Act 1956 and Protection of Children from Sexual Offences Act 2012, we are of the opinion that the said case has been dealt with by the Police Authorities under Regular Penal Law. In the event of filing a bail application, the same may be opposed or if bail is granted, petition for cancellation may be filed. In alternate, the Police Authorities may request the Court for imposing stringent conditions. However, Act 14 of 1982 is to be invoked sparingly only when there is subjective satisfaction and likelihood of causing breach of Public Order. Since the present detention order impugned has been passed based on ground case alone, we are inclined to consider the present petition.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in no.964/BCDFGISSSV/2024 dated 18.09.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Sanjay Kumar, S/o. Samath



HCP.No.2683 of 2024

Raj, aged 42 years, 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.] [M.J.R., J.]
14.11.2024

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

To

1. The Secretary to Government,
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Chennai 600 009.
2. The Commissioner of Police,
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Office of the Commissioner of Police,
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3. The Inspector of Police,
ANTI-VICE SQUAD II Police Station,
Chennai District.
4. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.
5. The Public Prosecutor,
High Court, Madras.



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HCP.No.2683 of 2024

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AND
M.JOTHIRAMAN, J.

mrp

H.C.P.No.2683 of 2024

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