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HCP.No.2739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM :

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

H.C.P.No.2739 of 2024

Kavi Bharathi

...

Petitioner

Vs

State of Tamil Nadu rep. by its

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Seretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.- 600 007
3. The Superintendent of Police,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
H-5, New Washermenpet Police Station,
New Washermenpet, Chennai

....

Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the 2nd respondent in No.900/BCDFGISSSV/2024 dated 31.08.2024 against the petitioner's husband Surendar @ Surendar Prasath, Male, aged about 32 years, S/o. Gurusamy, at present, who is confined at Central Prison, Puzhal, Chennai, set aside the same and direct the respondents herein to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr. C. Balaji
For Respondents : Mr.R. Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent in No.900/BCDFGISSSV/2024 dated 31.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The impugned detention order has been issued based on the ground case alone. Ground case was registered under Section 302 IPC and the alleged



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occurrence took place between two groups on account of personal vengeance.

Such cases registered under the Penal Law can be dealt with under the law of the land. Since the alleged offence happened between two groups, this Court is of the opinion that Preventive Detention for a longer period is not preferable.

3. In view of the facts and circumstances, we do not find any compelling reasons for invoking Act 14 of 1982 and consequently, we are inclined to consider the present petition.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.900/BCDFGISSSV/2024 dated 31.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Surendar @ Surendar Prasath, Male, aged about 32 years, S/o. Gurusamy, 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.]
06.12.2024

Index : Yes/No
Speaking Order : Yes/No



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Neutral Citation : Yes/No
sli

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

sli

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
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2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai.- 600 007
3. The Superintendent of Police,
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
H-5, New Washermenpet Police Station,
New Washermenpet, Chennai
5. The Public Prosecutor,
High Court, Madras.

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