



WEB COPY



HCP.No.2902 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2902 of 2024

Sudha

... 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.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 66.
4. The Inspector of Police, (Law & Order)
P-5, M.K.B. Nagar Police Station,
Chennai.

... Respondents



HCP.No.2902 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the second respondent dated 25.10.2024 in Memo No.1088/BCDFGISSSV/2024 against the petitioner's husband namely Karthik @ Vettu Karthik, Male, aged 30 years, S/o. Nagaraj, 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.S.Senthilvel
For Respondents : Mr. R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent in No.1088/BCDFGISSSV/2024 dated 25.10.2024 is sought to be quashed in the present habeas corpus petition.

2. The impugned detention order has been passed based on three adverse case and the ground case.

3. The first adverse case was registered in Crime No.770 of 2022 under Sections 341, 294(b), 323, 307, 506 (ii) of IPC. The second adverse was registered in Crime No.64/2024 under Section 341, 294(b), 307, 506



HCP.No.2902 of 2024

(ii) of IPC. The third adverse case was registered in Crime No.671 of 2024 under Sections 191 (2), 191 (3), 333, 296(b), 115(2), 109 of Bharatiya Nyaya Sanhita, 2023.

4. The learned Counsel for the petitioner would submit that the third adverse case was registered in Crime No.671 of 2024 by P-5 M.K.B. Police Station.

5. The alleged incident occurred on 29.09.2024 at about 19.45 hours, while the defacto complainant Mr.Kannan and his father were present in their home at No.39, Debar Nagar, 4th Street, Vyasarpadi, Chennai. The ground case was registered in Crime No.672 of 2024, wherein the defacto complainant Mr.Vishnu, who is residing at No.204, First Street, MGR Nagar, Vysarpadi, Chennai, lodged a complaint.

6. Though the learned Counsel for the petitioner made a submission that both the adverse case and the ground case were registered by the same police within a gap of 15 minutes, there is a doubt arises.



HCP.No.2902 of 2024

7. The learned Additional Public Prosecutor would submit that the accused persons committed first offence and after coming out from the residence of Mr.Kannan, who is the defacto complainant in the adverse case, further committed an offence on the street infront of the house of Mr.Vishnu, who is the defacto complainant in the ground case.

8. We are not inclined to go into the improbability theory advanced by the learned Counsel for the petitioner. The fact remains that all the cases can be dealt with by the police Authorities under the law of the land.

9. Taking note of the fact that the Authorities can continue with the investigation and proceed with the case in the manner known to law, preventive detention of detenu in the present case in our considered opinion is unnecessary.

10. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.1088/BCDFGISSSV/2024 dated 25.10.2024 is



HCP.No.2902 of 2024

quashed and the Habeas Corpus Petition is allowed. The detenu, viz.,
Karthik @ Vettu Karthik, S/o. Nagaraj, 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.]
20.12.2024

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



HCP.No.2902 of 2024

To

WEB COPY

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.
4. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 66.
5. The Inspector of Police, (Law & Order)
P-5, M.K.B. Nagar Police Station,
Chennai.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



WEB COPY



HCP.No.2902 of 2024

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

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H.C.P.No.2902 of 2024

20.12.2024
(1/3)