



WEB COPY



HCP.No.2908 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM :

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

H.C.P.No.2908 of 2024

Kanchana

... Petitioner /wife of detenu

Vs

1. The Additional Chief Secretary To Government,
Home Nprohibition 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 And Order)
P-5 M.K.B Nagar Police Station,
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 entire records in Connection with the order of Detention passed by the second respondent dated 25.10.2024 in Memo No.1085/BCDFGISSSV/2024 against the petitioner's husband namely Vinoth @ Dokku Vinoth, male, aged 31 years S/o.Ravi, who is confined at Central Prison , Puzhal, Chennai and set aside the same and direct the respondents to produce the detainee before the Honble Court and set him at Liberty.

For Petitioner : Mr. S.Senthilvel

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.1085/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 one adverse case and the ground case.

3. The learned counsel for the petitioner would submit that the adverse case was registered in crime no.671 of 2024 by P-5 M.K.B Nagar Police Station.



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4. 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.Vishu, who is residing at No.204, first street, MGR Nagar, Vysarpadi, Chennai, lodged a complaint.

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

6. 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 in front of the house of Mr.Vishnu , who is the defacto complainant in the ground case.



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6. We are not inclined to go into the improbability theory advanced by the learned counsel for the petitioner. The fact remains that both the cases can be dealt with by the police authorities under the law of the land.

7. Taking note of the fact that the authorities can continue the investigation and proceed with the case in the manner known to law, Preventive Detention of detenu in this present case in our considered opinion is unnecessary. quashed.

8. Hence, for the aforesaid reason, the detention order passed by the second respondent in No. 1085/BCDFGISSSV/2024 dated 25.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Vinoth @ Dokku Vinoth, male, aged 31 years, S/o.Ravi, 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.]

13.12.2024

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

mrp

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