



HCP.No.3010 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.3010 of 2024

Chitra ... Petitioner /mother of detenu

Vs

1. The Additional Chief Secretary To The Government,
Government Of Tamil Nadu,
Home, Prohibition And Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2 The Commissioner Of Chennai Police,
Chennai Commissioner Office,
Egmore , Chennai.

3 The Superintendent ,
Central Puzhal Prison II,
Chennai.

4 The Inspector Of Police, (law And Order),
H-3 Tondairpet 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 calling for the entire records connected with order of the 2nd Respondent herein in 1012/BCDFISSSV/2024 dated 04.10.2024 against the Petitioner Eswaran S/o.Settu, aged 23 years, confined at Central Puzhal Prison Chennai and set aside the same, Consequently directing the respondents herein to produce the body and person of the detenue before this Honble Court and set him at Liberty forthwith.

For Petitioner : Mr. K. Tamilvanan
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.1012/BCDFISSSV/2024 dated 04.10.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The impugned detention has been issued based on two adverse cases. One registered in the year 2023 and the other registered in the year 2024. The ground case was registered in Crime No.493 of 2024 under Section 126(2),



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296(b), 118(1), 309(6), 311,125, 324(2), 351(3) BNS 2023. Such nature of the

offences can be dealt with by the authorities under the regular Penal Law.

Preventive Detention Law being draconian is to be invoked sparingly only in the event of arriving a subjective satisfaction that there is likelihood of causing breach of public order. We are not satisfied with the materials referred in the impugned detention order.

3. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.1012/BCDFISSSV/2024 dated 04.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Eswaran S/o.Settu, aged 23 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.]

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

mrp

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5. The Public Prosecutor,
High Court, Madras.



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