



HCP.No.3045 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM :

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

H.C.P.No.3045 of 2024

Kalpana

... Petitioner

Vs

- 1 State of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George,
Chennai - 600 009.
- 2 The Commissioner of Police ,
Greater Chennai Police Commissioner,
The Commissioner Of Police,
Vepery, Chennai - 600 007.
- 3 The Superintendent Of Police,
Central Prison, Puzhal,
Chennai - 600 066.
- 4 The Inspector Of Police
P1 Pulianthope 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, calling for the records relating to the detention order in Memo no. 1096/ BCDFGISSSV/2024 dated 28.10.2024 passed by the 2nd Respondent under the Tamil nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Vellai Vicky alias Vignesh S/o. Baskar aged about 26 years the detenu herein at liberty.

For Petitioner : Mr. N. Naresh

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 1096/ BCDFGISSSV/2024 dated 28.10.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Based on the ground case and two adverse cases, the detenu has been detained. The first adverse case was registered in the year 2022 and has no proximity with the ground case. The second case was registered in Crime No.641 of 2024 and the ground case was registered in Crime No.570



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of 2024 under Section 296(b), 115, 118, 109, 324(4), 125, 351(3) of BNS

2023. The ground case can be dealt with by the authorities under the law of the land.

3. The ground case seems to be based on certain personal dispute. Such cases can be dealt with under the regular penal law and invoking preventive detention law is unnecessary.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in No. 1096/ BCDFGISSSV/2024 dated 28.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Vellai Vicky alias Vignesh S/o. Baskar, aged 26 years, confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

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

[S.M.S., J.] [M.J.R., J.]
11.12.2024

mrp

