



HCP.No.3026 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3026 of 2024

Dharmalingam

... Petitioner
/Father of thedetenu

Vs.

- 1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Tirupathur District.
- 3.The Superintendent of Police,
Tirupathur District.
- 4.The Superintendent of Prison,
Central Prison,
Vellore – 632 002.
- 5.The Inspector of Police,
All Women Police Station,
Ambur, Tirupathur District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, or any other Writ of direction, calling for the records relating to the order passed by the 2nd respondent in C3/D.O.No.59/2024 dated 29.10.2024 and quash the same and produce the detinue Mr.Silambarasan, aged 24 years, son of Dharmaligam, who is detained in Central Prison, Vellore, before this Hon'ble Court and set him at Liberty.

For Petitioner : Mr.B.Gopalakrishnan

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 C3/D.O.No.59/2024 dated 29.10.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. The impugned detention order has been passed, relying on a ground case registered by Ambur All Women Police Station in Crime No.19 of 2024



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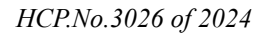
under Sections 64, 75, 77, 78, 351(2) of the Bharatiya Nyaya Sanhita, 2023.

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4. Perusal of the ground case reveals that the said case can be dealt with by the Police Authorities under the law of land. There is no adverse case relied on for the purpose of detaining the detenu.

5. We are of the considered opinion that preventive detention order is to be invoked with extreme caution and sparingly. Mere presumption of causing public disorder would be insufficient. Subjective satisfaction of the Detaining Authority is of paramount importance. There must be materials available on record to ensure that a person is to be detained urgently by invoking Act 14 of 1982.

6. Mere registration of many number of criminal cases would be insufficient. All those cases can be dealt with by the police authorities under the law of the land. Even in case bail has been granted by the competent Court, police is empowered to file a petition an application seeking cancellation of bail or in alternate file application for imposing stringent conditions, so as to avoid any further commission of crimes. Effective investigation and prosecution would alone solve these kind of issues. The police authorities



7. Thus, we did not find the order impugned in C3/D.O.No.59 of 2024 dated 29.10.2024 is justifiable and the same is not in consonance with the spirit of Act 14 of 1982. Accordingly, the detention order passed by the second respondent in C3/D.O.No.59 of 2024 dated 29.10.2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Silambarasan, Male aged 24 years, S/o.Dharmalingan, who is confined at Central Prison, Vellore is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[M.J.R., J.]

16.12.2024

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

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To

- 1.The Secretary to Government,
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Home, Prohibition and Excise Department,
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- 2.The District Collector and District Magistrate,
Tirupathur District.
- 3.The Superintendent of Police,
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- 6.The Additional Public Prosecutor,
Madras High Court.



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