



HCP.No.45 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.45 of 2025

Pachaiyammal

... Petitioner/Mother of the
Detenu

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Habeas Corpus, calling for the entire records connected with



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the detention order in BCDFGISSSV No.1220/2024 dated 11.12.2024 on the file of the respondent No.2 and quash the same and direct the respondents to produce the person of petitioner son one named Surya S/o. Mani aged about 23 years now confined at Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondents : Mr. R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble *S.M.Subramaniam, J.*)

The preventive detention order passed by the second respondent in proceedings No.1220/BCDFGISSSV/2024 dated 11.12.2024 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. One adverse case was relied on for issuing the impugned detention order. The said adverse case was registered in Crime No.324 of 2023 under Section 380 of I.P.C. and the ground case was registered in Crime No.1287/2024 under Section 123, 278 of Bharatiya Nyaya Sanhita, 2023.



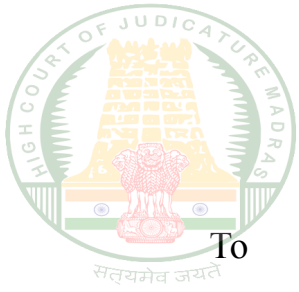
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4. Mere involvement in a criminal case cannot be a ground to invoke preventive detention law. Subjective satisfaction of the detaining authority with reference to records available are of paramount importance. Both the adverse case and the ground case can be dealt with by the Police Authorities under the ordinary law. Contrarily, preventive detention cannot be adopted for the purpose of punishing the detenu.

5. Accordingly, the detention order passed by the 2nd respondent, in proceedings No.1220/BCDFGISSSV/2024 dated 11.12.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Surya, aged 23 years, S/o. Mani 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.]
28.01.2025

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

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1. The Secretary to the Government,
Home, Prohibition and Excise (XVI) 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 District.
5. The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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

veda

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