



HCP.No.62 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.62 of 2025

Susila

... Petitioner/Mother of the
Detenu

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai - 600 009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Chennai - 600 066.
3. The Superintendent of Prisons,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the detention order in No.1224/BCDFGISSSV/2024 dated 11.12.2024 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and quash the same and direct the respondents to produce the detenu Aro @ Arokiyam, aged 25 years, S/o. Subramani, who is presently confined in the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.P.Santhosh
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.1224/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. Two adverse cases are relied on for issuing the impugned detention order. The said adverse cases are registered in the year 2021 and has no proximity with the ground case, which 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 cases 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.1224/BCDFGISSSV/2024 dated 11.12.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Aro @ Arokiyam, aged 25 years, S/o. Subramani 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
veda



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- To
1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Home, Prohibition and Excise Department,
Secretariat Complex,
Chennai - 600 009.
 2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
 3. The Commissioner of Police,
Office of Commissioner of Police,
Chennai - 600 066.
 4. The Superintendent of Prisons,
Central Prison, Puzhal,
Chennai - 600 066.
 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.

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