



WEB COPY



HCP.No.205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

H.C.P.No.205 of 2025

Lakshmi

... Petitioner

Vs.

1.State Represented by its
Additional Chief Secretary to the Government of Tamil Nadu
Home, Prohibition Excise Department,
Fort St.George,
Chennai – 600 009.

2.The Commissioner of Police,
Greater Chennai
Chennai 600 003

3.The Inspector of Police
H4, Korukkupet Police Station
Chennai-13

4.The Superintendent of Police
Central Prison
Puzhal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a



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Writ of Habeas Corpus, or any other appropriate writ order or direction in the nature of writ, call for the records in connection with the order of detention passed by the second respondent dated 12.09.2024 in No.944/BCDFGISSSV/2024 against the petitioner's son, the Deenu, Raja @ Lakshman, male aged about 23 years, Son of Rajkumar, who is confined at Central Prison, Puzhal and set aside the same and direct the respondent to produce the detenu before the Hon'ble court and set him at liberty.

For Petitioner : Mr.P.Ponbalaji

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by M.Sylvester John

ORDER

M.S.RAMESH, J.
AND
N.SENTHILKUMAR, J.

The order of detention passed by the second respondent in No.944/BCDFGISSSV/2024 dated 12.09.2024 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 issued based on three adverse



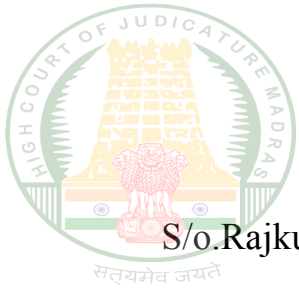
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cases. It is not in dispute that the ground case is relatable to personal motive between the detenu and the other group. Such cases involving personal motive or vengeance cannot be said to affect the public order. The likelihood of breaching public order being the element to be considered for invoking the Act 14 of 1982. All other cases can be dealt with under the ordinary law.

4. The learned Additional Public Prosecutor appearing on behalf of the respondents would submit that the cases registered are relating to group dispute.

5. That being so, the respondents shall dealt with cases by conducting investigation and filing charge sheets. If at all, bail is granted, the Police authorities may file a petition for cancellation of bail or imposing conditions. However, the Preventive Detention law may not be required in such nature of cases as there is no element of likelihood of causing breach of public order. Thus, we are inclined to interfere with the detention order.

6. Accordingly, the impugned order of detention passed by the second respondent in No.944/BCDFGISSSV/2024 dated 12.09.2024 is quashed and the Habeas Corpus Petition stands allowed. The detenue, namely, Raja @ Lakshman,



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S/o.Rajkumar, male, aged about 23 years, now confined in Central Prison, Puzhal,

Chennai, is directed to be set at liberty forthwith unless his confinement is required

in connection with any other case.

[M.S.R, J.] [N.S, J.]
18.02.2025

kas

Index : Yes/No
Neutral Citation : Yes/No

To

1.Additional Chief Secretary to the Government of Tamil Nadu
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2.The Commissioner of Police,
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5.The Public Prosecutor

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