



WEB COPY



HCP.No.2799 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2799 of 2024

Mrs.Sathya

... Petitioner/Wife of the detenu

Vs.

1.The Secretary to Government,
Home, Prohibition Excise Department,
Fort St.George,
Chennai – 600 009.

2.The Commissioner of Police,
Chennai City.

3.The Superintendent of Police,
Central Prison, Puzhal, Chennai.

4.The Inspector of Police,
H-4, Korukkupet Police Station.

... Respondents

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



HCP.No.2799 of 2024

passed by the second respondent dated 21.08.2024 in No.860/BCDFGISSSV/2024 against the petitioner husband Thiru.Murugan alias Chiyan murugan, male aged about 24 years, Son of Dhanasekar, who is confined at Central Prison, Puzhal, Chennai 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.M.Illiyas

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 No.860/BCDFGISSSV/2024 dated 21.08.2024 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 cases. It is not in dispute that the ground case is relatable to personal motive



HCP.No.2799 of 2024

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.860/BCDFGISSSV/2024 dated 21.08.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Murugan alias



HCP.No.2799 of 2024

Chiyan Murugan, S/o.Dhanasekar, male, aged about 24 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
02.01.2025
(2/2)

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

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5.The Additional Public Prosecutor,
Madras High Court.



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AND
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