



WEB COPY



HCP.No.2827 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2827 of 2024

Thiru.Ravi (Died)
Thirumathi.Amala
(Petitioner substituted as per order
dated 02.12.2024 in CrI.O.P.No.16946/24
in HCP.No.2827/2024)

... Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition & Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Commissioner of Police, Avadi City,
Office of the Commissioner of Police,
(Goondas Section)
Avadi, Chennai, Tamil Nadu – 600 054.
- 3.The Superintendent,
Central Prison,
Puzhal, Chennai, Tamil Nadu – 600 066.



HCP.No.2827 of 2024

4. The Inspector of Police,
T-3, Korattur Police Station,
Chennai, Tamil Nadu – 600 099.

... 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, calling for the records pertaining to the order of detention passed by the Second Respondent herein and made in BCDFGISSSV-No.172/2024 dated 02.10.2024, and to set aside the same and directing Third Respondent to produce the detainee, the Petitioner's Son, Appanraj @ Appan, S/o.Ravi, Male aged about 40 years, now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and thereby setting him at liberty

For Petitioner : Mr.M.Arivendan

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 BCDFGISSSV-No.172/2024 dated 02.10.2024 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.



HCP.No.2827 of 2024

3. Four adverse cases are relied on for invoking Act 14 of 1982. The first adverse case was registered in the year 2021 and the second and third cases are registered in the year 2022, 2023 respectively. Two adverse cases are registered under NDPS Act and other two cases are registered under I.P.C. The ground case was registered in Crime No.678/2024 under Sections 126(2), 296(b), 115(2), 309(6), 311, 125, 324(2), 351(3) Bharatiya Nyaya Sanhita, 2023.

4. The facts reveal in the ground case would be insufficient to form an opinion that there is likelihood of breach of public order. The adverse cases can be dealt with by the Police authorities under the ordinary law and by following the procedures. Preventive Detention in the present case may not be required and therefore, the respondents shall proceed with the criminal case registered in the manner known to law.

5. Accordingly, the impugned order of detention passed by the second respondent in BCDFGISSSV-No.172/2024 dated 02.10.2024 is quashed and the Habeas Corpus Petition stands **allowed**.



HCP.No.2827 of 2024

6. The detainee, namely, Appanraj @ Appan, S/o.Ravi, aged about 40 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.]
24.01.2025

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

To

- 1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition & Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Commissioner of Police, Avadi City,
Office of the Commissioner of Police,
(Goondas Section)
Avadi, Chennai, Tamil Nadu – 600 054.
- 3.The Superintendent,
Central Prison,
Puzhal, Chennai, Tamil Nadu – 600 066.
- 4.The Inspector of Police,
T-3, Korattur Police Station,
Chennai, Tamil Nadu – 600 099.



HCP.No.2827 of 2024

5. The Joint Secretary to Government,
Public (Law & Order),
Fort St. George,
Chennai.

6. The Additional Public Prosecutor,
Madras High Court.



WEB COPY



HCP.No.2827 of 2024

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

kak

H.C.P.No.2827 of 2024

24.01.2025