



HCP.No.3177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3177 of 2024

Revathi

... Petitioner/Wife of the detenu

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
O/o. Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
Law and Order,
P-2, Otteri 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 entire records connected with the detention order in BCDFGISSSV No.1078/2024 dated 24.10.2024 on the file of the 2nd respondent and quash the same of the petitioner husband one named Pandian S/o. Hercules, aged about 32 years, now confined at Central Prison, Puzhal, Chennai and produce the detenu 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 writ of habeas corpus has been filed challenging the detention order passed by the second respondent in proceedings No.1078/BCDFGISSSV/2024 dated 24.10.2024.

2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.



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3. Two adverse cases are relied on for the purpose of passing the impugned detention order. Both the cases are under investigation. The ground case has been registered in Crime No.925/2024 under Section 126(2), 296(b), 115(2), 311, 351(2) Bharatiya Nyaya Sanhita, 2023. A sum of Rs.650/- was recovered from the detenu in the ground case. Both the adverse cases and the ground case can be dealt with by the Police Authorities under the ordinary law. The Police Authorities have to expedite the investigation in the adverse cases and file a charge sheet as early as possible. Contrarily, preventive detention cannot be adopted for the purpose of punishing the detenu.

4. In the present case, we do not find any compelling reasons for the Police Authorities to invoke Act 14 of 1982. Thus, the impugned order is liable to be set aside.

5. Accordingly, the detention order passed by the second respondent in proceedings No.1078/BCDFGISSSV/2024 dated 24.10.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu,



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viz., Pandian, S/o. Hercules, aged 32 years, 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.]
27.01.2025

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



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To

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1. The Secretary to 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,
O/o. Commissioner of Police,
Greater Chennai.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
5. The Inspector of Police,
Law and Order,
P-2, Otteri 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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