



HCP.No.3169 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3169 of 2024

Vijayakumar

... Petitioner/Brother of the
Detenu

Vs.

1. The State of Tamil Nadu,
Represented by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai - 9.
2. The District Collector and District Magistrate,
Ranipet District,
Ranipet.
3. The Superintendent of Police,
Ranipet District,
Ranipet.
4. The Superintendent,
Central Prison,
Vellore.



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5. The Inspector of Police,
Banavaram Police Station,
Ranipet District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in No.B3/D.O.No.67/2024 dated 20.08.2024 on the file of the 2nd respondent and quash the same as illegal and thereby direct the respondent to produce the detainee namely Thiru.Omprakash S/o. Kannayiram, male, aged about 27 years before this Court, who is now detained at Central Prison, Vellore (T.P.D.A.No.9431) and set him at liberty.

For Petitioner	: Mr.M.Rajinikanth
For Respondents	: Mr. R.Muniyapparaj Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The preventive detention order passed by the second respondent in proceedings B3/D.O.No.67/2024 dated 20.08.2024 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.



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3. The ground case was registered under Sections 296(b) & 103(1) B.N.S., for alleged murder of the wife of the detenu. It is a family dispute resulted in registration of a criminal case. Therefore, the said case can be dealt with by the Police Authorities under the law of the land and the preventive detention is unnecessary.

4. Hence, for the aforesaid reasons, the detention order passed by the 2nd respondent, in proceedings B3/D.O.No.67/2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Omprakash, aged 27 years, S/o. Kannayiram confined at Central Prison, Vellore 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.]
03.01.2025

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



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To

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1. The State of Tamil Nadu,
Represented by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai - 9.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The District Collector and District Magistrate,
Ranipet District,
Ranipet.
4. The Superintendent of Police,
Ranipet District,
Ranipet.
5. The Superintendent,
Central Prison,
Vellore.
6. The Inspector of Police,
Banavaram Police Station,
Ranipet District.
7. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
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