



HCP.No.3141 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3141 of 2024

Vimala D.

... Petitioner/Mother of the detenu

Vs.

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

2.The Commissioner of Police, (Avadi City)
No.2/14, NH716, Kamarajapuram,
Ambattur, Chennai,
Tamil Nadu – 600 053
Chennai, Tamil Nadu – 600 007.

3.The Inspector of Police (Crime)
B-7, Vellavedu Police Station,
Avadi City.

4.The Superintendent of Police,
Central Prison,
Puzhal – II,
Chennai – 600 066.

... Respondents



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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 relating to the Impugned order of detention dated 15.10.2024 in vide Memo no.177/ BCDFGISSSV/2024, passed by the 2nd Respondent herein and quash the same and consequently direct the respondent to set forth the detenu Benihin, aged 25 years now confined in Central Prison , Puzal -II, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner : Ms.T.Durga Devi
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 Memo no.177/ BCDFGISSSV/2024 dated 15.10.2024 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.



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3. Based on seven adverse cases, the detenu has been detained under the Preventive Detention Law. Some of the old cases are also relied on, which has no proximity with the ground case. Pertinently, few adverse cases are still under the stage of investigation. Therefore, the said cases cannot be relied upon for the purpose of invoking Act 14/1982.

4. As far as the ground case is concerned, the detenu allegedly threatened the complainant and extorted Rs.50/- from him. Therefore, the said case can be dealt with by the Police authorities under the ordinary law and by following the procedures as contemplated. The reasons stated in the order impugned to invoke the Preventive Detention Law would be insufficient and therefore, we are inclined to interfere.

5. Accordingly, the impugned order of detention passed by the second respondent in Memo no.177/ BCDFGISSSV/2024 dated 15.10.2024 is quashed and the Habeas Corpus Petition stands **allowed**.



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6. The detenue, namely, Benihin, S/o.Dass, aged about 25 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
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To

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

2.The Commissioner of Police, (Avadi City)
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5. The Joint Secretary to Government,
Public (Law & Order),
Fort St. George,
Chennai.

6. The Additional Public Prosecutor,
Madras High Court.



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