



WEB COPY



HCP.No.3204 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.3204 of 2024

Sekar

... Petitioner/Father of the
Detenu

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. Commissioner of Police/Detaining Authority,
Coimbatore City,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. State represented by
The Inspector of Police,
Selvapuram Police Station,
Coimbatore District.

... Respondents



HCP.No.3204 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the 2nd respondent dated 01.10.2024 in C.No110/G/IS/2024 against the petitioner son S.Praveenkumar @ Japan, M/19 years, son of Sekar, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr. R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The writ of habeas corpus has been filed challenging the detention order passed by the second respondent in proceedings C.No.110/G/IS/2024 dated 01.10.2024 .

2. The impugned detention order has been issued based on the ground case. The ground case was registered against the detenu under Section 103 (1) of Bharatiya Nyaya Sanhita, 2023 (302 IPC) reveals that



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there was a private dispute between the deceased and the detenu. The detenu and the deceased are neighbours. Such nature of cases can be dealt with by the police authorities under the ordinary law and by following the procedures. Preventive detention in such cases would become unnecessary and therefore, we are inclined to quash the impugned detention order.

3. Hence, for the aforesaid reason, the detention order passed by the second respondent in proceedings C.No.110/G/IS/2024 dated 01.10.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz., S.Praveenkumar @ Japan, aged 19 years, S/o. Sekar confined at Central Prison, Coimbatore 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.]
08.01.2025

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 the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. Commissioner of Police/Detaining Authority,
Coimbatore City,
Coimbatore District.
4. The Superintendent,
Central Prison,
Coimbatore.
5. State represented by
The Inspector of Police,
Selvapuram Police Station,
Coimbatore District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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

veda

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