



H.C.P.(MD)No.251 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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V.Lakshmi

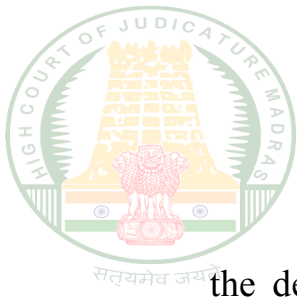
... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. 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,
Theni District,
Theni.
3. The Superintendent of Prison,
Central Prison,
Madurai, Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Habeas Corpus, calling for records relating to



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the detention order passed by the 2nd pertaining to the order made in Detention order No.74 of 2024 dated 06.11.2024, in detaining the detenu under 2(bb) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and to direct the 3rd respondent to produce the detenu Thiru Venkataramanan, S/o.Bakthavatchalam, Male aged about 36/25 years, who is detained at Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.K.Anandan

For Respondents : Mr.A.Thiruvadikumar,
Addl. Public Prosecutor

ORDER

(Order of the Court was made by ***C.V.Karthikeyan, J.***)

This petition has been filed consequent to the detention of the husband of the petitioner, by name B.Venkataramanan, who had been detained by an order of the second respondent dated 06.11.2024 under Detention Order No.74/2024, categorizing him as a “Cyber Law Offender” as contemplated under Section 2(bb) of the Tamil Nadu Act 14 of 1982.



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2. A FIR in Crime No.03 of 2024 had been registered by the District Cyber Crime Police Station at Theni for offences punishable under Section 420 IPC and Section 66(D) of Information Technology (Amendment) Act, 2008 against the husband of the petitioner herein, on a compliant given by one Rajkumar. It had been stated in the complaint that the complainant had been the victim of online fraud, wherein a total amount around Rs.55 lakhs has been extracted away from his account on various dates. The husband of the petitioner had been arrested on 15.10.2024 and the order of detention had been passed on 06.11.2024.

3. The learned counsel for the petitioner, took as the first point, by pointing out that the Detaining Authority had stated that in a similar case relating to FIR in Crime No.11 of 2024, which had also been registered for the offences under Sections 109 and 420 of IPC and Section 66(D) of Information Technology (Amendment) Act, 2008, and wherein the Investigating Authority in that case was not able to file a final report and therefore, the accused in that case had been released on bail under Section 167(2) of Cr.P.C., that there is a possibility of the detenu in this



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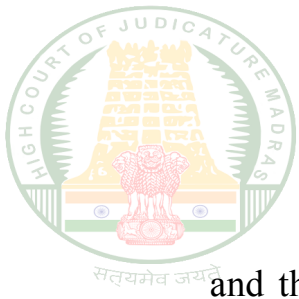
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case also being released on bail. The learned counsel for the petitioner contended that reliance placed on that particular case vitiates the detention order.

4. We do not agree.

5. The Detaining Authority had only quoted that particular order releasing the accused therein on bail owing to the charge sheet not having been filed within the stipulated time limit and therefore, the accused was released on bail under Section 167(2) of Cr.P.C.

6. The only factor, which must have played in the mind of the Detaining Authority, is about the complicity of the investigation involved in matters of cyber fraud which might prevent the Investigating Officer from filing a charge sheet within the statutory period and if it is not done, then the Judicial Magistrate Court will necessarily have to take recourse to Section 167(2) of Cr.P.C. and direct release of the accused. The apprehension is real, particularly taking into consideration the complicity



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and the nature of fraud said to have been played by the detenu herein.

The difficulty in collecting evidence and also the possibility of the detenu being involved in similar cases are all factors which would be taken into consideration by any Investigating Officer before the charge sheet is filed. Therefore, we are not inclined to accept this particular ground raised by the learned counsel for the petitioner.

7. The second ground raised by the learned counsel for the petitioner is that the FIR has been registered on 18.01.2024 and though the detenu had been appearing before the Investigating Officer, he was placed under arrest only on 15.10.2024 and the detention order was passed on 06.11.2024 and it is therefore contended that there has been an inordinate delay in passing the detention order.

8. But one factor which has to be taken into consideration, is that the detenu was actually arrested on 15.10.2024 and within about three weeks, the detention order had been passed after coming to subjective satisfaction. Again taking into consideration the complicity of nature of



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offence involved, the Detaining Authority will necessarily have to take necessary time to come to subjective satisfaction that the detenu necessarily has to be detained under the Tamil Nadu Act 14 of 1982. Therefore, we are not inclined to accept this particular ground also.

9. No no other grounds have been raised.

10. Accordingly, the Habeas Corpus Petition stands dismissed.

[C.V.K., J.]

[R.V., J.]

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NCC : Yes/No
Index: Yes/No
Internet: Yes/No



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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