



H.C.P.(MD)No.520 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2025

CORAM:

**THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

H.C.P.(MD)No.520 of 2025

B.Savundammal

... Petitioner

-VS-

1. The Additional Chief Secretary to
the Government, Home, Prohibition and
Excise Department, Secretariat, Chennai -9.
2. The District Magistrate and
District Collector, Dindigul District,
Dindigul.
3. The Inspector of Police
All Women Police Station, Dindigul Rural,
Dindigul District.
4. The Superintendent
Central Prison, Madurai.

... Respondents



H.C.P.(MD)No.520 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records pertaining to the detention order passed by the 2nd respondent in Detention order No.25/2025 dated 14.04.2025 and quash the same and consequently set the detenu by name B.Pandithurai S/o.Balakrishnan Male, aged 43 years, who is confined at Central Prison, Madurai at liberty.

For Petitioner : Mr.R.Anand

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **G.K. ILANTHIRAIYAN,J.**)

The petitioner is the mother of the detenu viz., Pandithurai, son of Balakrishnan, aged about 43 years. The detenu has been detained by the second respondent by his order in Detention Order No.25/2025, dated 14.04.2025 holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.



H.C.P.(MD)No.520 of 2025

WEB COPY

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. The detenu was arrested and remanded to judicial custody in pursuant to the registration of the FIR in Cr.No.11 of 2025 for the offences punishable under Sections 87, 137(2) Bharatiya Nyaya Sanhita 2023 and Section 7 r/w 8 of Protection of Children from Sexual Offences Act, 2012. One Rameshwari has given a complaint that her third daughter was studying 8th standard and on 13.03.2025 at about 13.30 hours when she was walking to school on Chinnalapatti to Thirunagar road, the detenu forced her to get into bike and taking to remote place and he attempted to hug her and the victim child got scared and hit his hand and ran away from the occurrence place. In pursuant to the registration of the FIR, the third respondent sponsored the detenu to detain him under Act, 14 of 1982. On perusal of the records submitted by the third respondent, the second respondent detained the detenu under Act, 14 of 1982.



H.C.P.(MD)No.520 of 2025

WEB COPY

4. The learned counsel appearing for the petitioner would submit that only based on the ground case, the detenu was detained under Act, 14 of 1982 and no other adverse case is pending as against the detenu. He further submitted that the second respondent has no jurisdiction to pass the detention order since as per the Government Order in G.O(D)No.17 Home, Prohibition and Excise (XVI) Department, dated 09.01.2025, the second respondent has delegated the power to pass the detention order and the Government Order got expires three months from the date of issuance of the order.

5. The counter affidavit filed by the second respondent and also the submission made by the learned Additional Public Prosecutor reveals that G.O(D) No.17 Home, Prohibition and Excise (XVI) Department, dated 09.01.2025 the period of delegation last extended for three months on and from 18.01.2025. Therefore, the second respondent has jurisdiction and power to pass the detention order on 14.04.2025. Insofar as the ground case is concerned, the petitioner was arrested and remanded to judicial custody in Cr.No.11 of 2025 for the offences



H.C.P.(MD)No.520 of 2025

punishable under Sections 87, 137(2) Bharatiya Nyaya Sanhita 2023 and Section 7 r/w 8 of Protection of Children from Sexual Offences Act, 2012. According to the learned Additional Public Prosecutor, no prejudice has been caused to the detenu and therefore prays for dismissal of the habeas corpus petition.

6. The allegations levelled against the detenu are that he attempted to hug the victim child and immediately the victim child escaped from the hands of the detenu and thereafter, the victim's mother lodged a complaint.

7. Considering the nature of the allegations made against the detenu and also considering the fact that based on the ground case only, the detenu has been detained under Act, 14 1982, this Court is inclined to quash the detention order.

8. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.25/2025, dated 14.04.2025,



H.C.P.(MD)No.520 of 2025

passed by the second respondent is set aside. The detenu, viz., Pandithurai, son of Balakrishnan, aged about 43 years, is directed to be released forthwith unless his detention is required in connection with any other case.

9. The detenu shall co-operate for trial by cross-examining the victim child in Spl.S.C.No.104 of 2025, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul. It is also made clear that the trial Court is directed to dispose the bail petition, if any filed by the detenu, on its own merits without influencing any of the observation made by this Court.

[G.K.I., J.] [R.P., J.]

04.12.2025

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



H.C.P.(MD)No.520 of 2025

WEB COPY To

1. The Additional Chief Secretary to
the Government, Home, Prohibition and
Excise Department, Secretariat, Chennai -9.
2. The District Magistrate and
District Collector, Dindigul District,
Dindigul.
3. The Inspector of Police
All Women Police Station, Dindigul Rural,
Dindigul District.
4. The Superintendent
Central Prison, Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.520 of 2025

G.K. ILANTHIRAIYAN,J.
AND
R. POORNIMA,J.

am

H.C.P.(MD)No.520 of 2025

04.12.2025