



H.C.P(MD)No.787 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2025

CORAM:

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

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Kowsalya

... Petitioner/wife of detenu

Vs.

1.The State of Tamil Nadu

Rep. by, The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Secretariat,
Chennai - 9.

2.The District Collector and District Magistrate,

O/o.The District Collector and District Magistrate,
Dindigul District.

3.The Superintendent of Prison

Central Prison,
Madurai.

4.The Inspector of Police

Palani Adivaram Police Station,
Dindigul District.
Crime No.31 of 2025.

... Respondents



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PRAYER:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records relating to the detention order in Detention Order No.20/2025 dated 17.03.2025 and quash the same and consequently direct the respondents to produce the body or person of the detenu namely, Thiruchi Murugan @ Murugan, S/o.Maruthamuthu, aged about 29 years, now detained as Goonda at Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Rajkumar

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 wife of the detenu viz., Thiruchi Murugan @ Murugan, S/o.Maruthamuthu, aged about 29 years. The detenu was detained by the second respondent by order in Detention Order



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No.20/2025 dated 17.03.2025, holding him to be a “Goonda”, as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

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 learned counsel appearing for the petitioner has raised the following grounds, namely, (i) that there was a huge delay in passing the detention order from the date of his arrest. The detenu was arrested in ground case on 23.02.2025. But the detention order was passed on 17.03.2025. The said delay was not properly explained by the Detaining Authority. It is, therefore, stated that the detenu is deprived of his valuable right to make an effective representation. (ii) In page No.15 of the booklet the detenu was served with accident register copy of the deceased along with translated copy at page No.16, in the translated copy



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of the accident register, inpatient number is missing. (iii) Further in Page No.28 the detenu was served with postmortem certificate of the deceased in English version in which, crime number and offence are mentioned. But the detenu was also served with Tamil translated version of postmortem certificate at page No.29 in which the crime number as well as the offence were not mentioned. (iv) Further, in the grounds of detention, the detaining authority did not even whisper about the adverse case in which the detenu involved from the year 2021 onwards.

4.On perusal of the records and also the submission made by the learned Additional Public Prosecutor revealed that the translated version of the accident register does not contain the inpatient number. Further, in the Tamil translated version of postmortem certificate also does not contain the crime number and the offence registered as against the detenu. Though the remand order request consisting that the detenu involved in several cases from the year 2021 onwards, the detaining authority did not even show them as adverse case. All these discrepancies clearly shows non-application of mind on the part of the



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detaining authority while passing the order of detention. In view of the above, the impugned order of detention cannot be sustained and is liable to be set aside.

5.In the result, the Habeas Corpus Petition is allowed and the order of detention in D.O.No.20/2025 dated 17.03.2025, passed by the second respondent is set aside. The detenu namely, Thiruchi Murugan @ Murugan, S/o.Maruthamuthu, aged about 29 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

[G.K.I.J.,] & [R.P.J.,]
05.12.2025

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



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