



H.C.P(MD)No.1399 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.04.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

H.C.P.(MD)No.1399 of 2024

Mirtunaj Kumar

.. Petitioner / Detenue's
Brother

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The District Collector and District Magistrate
Theni District, Theni.

3.The Superintendent,
Central Prison,
Madurai.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a ***Writ of Habeas Corpus***, calling for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in Detention order no. 52/2024 on 04.09.2024 in detaining the detenu under section 2(f) of the Tamil Nadu Act 14 of 1982 as a Cyber Law offender and quash the same and direct the respondents to



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produce the Detenu namely Rohit Kumar, Son of Umesh Prasad Singh aged about 27 years, who is detained in Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : M/s.Ezhilarasu, for
M/s.C. Vijayalakshmi

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR. G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

This Habeas Corpus Petition is filed by the accused in multiple criminal cases of financial fraud, who has been detained by the second respondent in Proceedings No. 52 of 2024, dated 04.09.2024, under Act 14 of 1982.

2. Heard on either side and perused the material documents available on record.

3. This Habeas Corpus Petition is filed on the ground that the Detaining Authority has not followed the prescribed procedures while



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issuing the detention order. The order has been issued arbitrarily, without affording any opportunity to the detenu. The criminal complaint against the detenu pertains to breach of trust and cheating, which are not offences against public peace and tranquillity in any manner. In such circumstances, invoking the provisions of Act 14 of 1982 for offences under Sections 420 and 406 of the IPC is *per se* illegal and ultra vires.

4. The Learned Counsel appearing for the petitioner submitted that the detenu was involved in a finance scheme and was, in fact, honoring his commitments. However, due to a frivolous complaint, a case was registered against him, and he was subsequently arrested by the police. On the very day he was granted bail, a detention order was passed against him, clearly with the intention of keeping him in prison. He further submitted that the detenu has since settled the dispute with the defacto complainant in the ground case, and a settlement agreement has been executed. The matter, being purely civil in nature, was given a criminal colour by a few complainants. In most of those cases, settlements have already been reached, and in the remaining adverse cases, the detenu has been released on bail. Hence, he further submitted that the detention order is *per se* a violation of the detenu's fundamental



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rights. Moreover, a clean copy of the documents relied upon was not furnished, nor were the reasons disclosed for the apprehension that the presence of the detenu would cause a disturbance to the maintenance of public peace.

5. On behalf of the respondents, a status report was filed stating that the detenu is the kingpin in the notorious Flipkart price coupon fraud case. Based on a complaint lodged by one Arul Prakash, a case was registered against the detenu, alleging cheating to the tune of Rs.17,69,702/-, with the fraudulent amounts having been transferred through bank transactions on various dates. Subsequently, multiple complaints against the detenu have continued to emerge and have been registered with various Crime Branch units across the districts of Trichy, Kancheepuram, Cuddalore, Tirupathur, and Madurai. The fraudulent scheme involving fake price coupons offered to unsuspecting investors came to light following the registration of the primary case. Hence, the detenu was arrested on 21.08.2024 at Delhi since the ramification of the fraud spread over PAN INDIA.



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6. The list of cases pending against the detenu in various courts has also been furnished, indicating that several cases of cheating the general public been registered against the detenu. The Additional Public Prosecutor further states that the National Cyber Crime Reporting Portal indicates that, at the request of the police from Himachal Pradesh, Andhra Pradesh, Telangana, Delhi, Rajasthan, and Uttar Pradesh, the accounts of the detenu been freezed.

7. This Court, after considering the ramifications of the crime committed, finds that invoking preventive detention to address the panic among investors appears to be justifiable. The detention order has been passed in accordance with the law, and there is no violation of fundamental rights, as alleged.

8. Accordingly, this Habeas Corpus Petition stands dismissed.

(G.J., J.) & (R.P., J.)
29.04.2025

Index : Yes / No
NCC : Yes / No
KSA



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- 4.The Additional Public Prosecutor,
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