



H.C.P.(MD)No.1138 of 2025

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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.1138 of 2025

M.Murugan

... Petitioner

-VS-

1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

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

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in M.H.S.Confdl.No.24/2025 dated 06.03.2025 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's brother I.e., Udhayakumar, aged about 25 years, S/o.Muthukaruppan, now detained at the Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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 brother of the detenu viz., Udhayakumar, son of Muthukaruppan, aged about 25 years. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.24/2025, dated 06.03.2025 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.



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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 would submit that the petitioner was arrested and remanded to judicial custody on 11.02.2025 in pursuant to the registration of the FIR in Cr.No.8 of 2025 for the offences punishable under Sections 3, 4 of Protection of Children from Sexual Offences Act, 2012 and 351(3) of Bharatiya Nyaya Sanhita, 2023. Thereafter, the detention order was passed only on 06.03.2025 and hence, there was an unexplained delay in passing the detention order. That apart, the detaining authority has referred only one adverse case and one ground case. In the adverse case, it is clear that the detenu fell in love with the victim girl and had a physical relationship with him, immediately, based on the complaint, FIR was registered in Cr.No.29 of 2023 and the detenu was arrested and remanded to judicial



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custody and subsequently, he was released on bail and after a period of two years, once again, on the complaint given by the victim girl, second FIR in Cr.No.8 of 2025 has been registered and the same was referred as ground case. Therefore, only due to love affair between the victim girl and the detenu, they had physical relationship. In the adverse case, charge-sheet has been laid and the detenu is facing trial. Insofar as the ground case in Cr.No.8 of 2025 investigation has been completed and the charge sheet has been filed and the same was taken cognizance in Spl.S.C.No.141 of 2025 and the prosecution so far examined P.W.1 to P.W.11.

4. Considering the above facts and circumstances and also the nature of the allegations made against the petitioner, this Court is inclined to quash the detention order.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.24/2025, dated 06.03.2025, passed by the second respondent is set aside. The detenu, viz.,



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Udhayakumar, son of Muthukaruppan, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

6. It is made clear that the trial Court is directed to dispose the bail petition, if any filed by the detenu, on its own merits and in accordance with law, 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



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To

- 1.The Principal Secretary to Government,
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- 2.The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.
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Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

am

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