



WEB COPY



H.C.P. No.2051 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.01.2026

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P. No.2051 of 2025

Josephine Mary

.. Petitioner

Vs.

1. State of Tamil Nadu
Represented by its Secretary to Government
Home, Prohibition & Excise Department
Secretariat, Chennai – 600 009

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

3. The Superintendent of Police
O/o.Superintendent of Police
Villupuram, Villupuram District

4. The Superintendent of Prison
Central Prison Cuddalore, Cuddalore District

5. State rep. by
The Inspector of Police
Gingee Police Station
Villupuram District

.. Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 20.06.2025 on the file of 2nd respondent



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herein and made in proceedings D.O.No.C2/29/2025 and quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Abishek Avin Raj, Son of Sabastin, aged about 24 years before this Court and set the petitioner's Husband at liberty from detention, who is now detained in Central Prison of Cuddalore.

For Petitioner : Mr.V.R.Appaswamee

For Respondents : Mr.R.Muniyapparaj, Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(The Order of the Court was made by P.Velmurugan, J)

This Habeas Corpus Petition has been filed to call for the entire records, relating to the detention order made in proceedings Rc.No.C2/29/2025, dated 20.06.2025, on the file of 2nd respondent herein and quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Abishek Avin Raj, S/o.Sebastin, aged about 24 years, before this Court and set him at liberty from detention, who is now detained in Central Prison of Cuddalore.

2. Though the learned counsel for the petitioner took several grounds to quash the impugned order of detention, he focused mainly on the grounds that the arrest intimation was not communicated to the close relatives of the detenu and there is no adverse case pending against the detenu. Hence, he prayed to quash the impugned order of detention.



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3. A perusal of records shows that the detenu is involved in a double murder case, which is between the relatives and that the offence itself is within a private place and no public order is involved. Therefore, this Court is inclined to quash the detention order.

4. Accordingly, the order of detention dated 20.06.2025, passed by the 2nd respondent in proceedings Rc.No.C2/29/2025 against the detenu namely Abishek Avin Raj, aged about 24 years, S/o. Sebastin, is hereby quashed on the ground of non application of mind on the part of the detaining authority while passing the impugned detention order.

5. The detenu Abishek Avin Raj, S/o. Sebastin, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

6. With the above direction, this Habeas Corpus Petition is allowed.

(P.V., J) (M.J.R., J)
30.01.2026

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Neutral Citation: Yes/No



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To

1. The Secretary to Government
Home, Prohibition & Excise Department
Secretariat, Chennai – 600 009
2. The District Collector and
District Magistrate
Villupuram, Villupuram District
3. The Superintendent of Police
O/o.Superintendent of Police
Villupuram, Villupuram District
4. The Superintendent of Prison
Central Prison Cuddalore
Cuddalore District
5. The Inspector of Police
Gingee Police Station
Villupuram District
6. The Public Prosecutor,
High Court, Madras.



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and

M.JOTHIRAMAN, J

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