



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 1363 of 2025

M.Premkumar
S/o.Muniasamy,
No.5/1007, Subathira Street,
Sathasivam Nagar, Anna Nagar,
Madurai - 625020.

..Petitioner(s)

Vs

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner office Buildings,
E.V.K.Sampath Road, Vepery,
Chennai – 600007.
2. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Triplicane District, Chintadripet,
Chennai - 600002.
3. The Inspector of Police (Law and Order)
F-5, Nungambakkam Police Station,
Chennai - 600 034.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking to call for the records pertaining to impugned order Na.Ka.No.06/Ve-Aa/2025 dated 13.09.2025 under section 51-A City Police Act 1888, passed by the 1st Respondent and quash the same.

For Petitioner(s): Mr.V.T.Narendiran

For Respondent(s): Mr.R.Ganesh Kumar
Government Advocate (Criminal Side)



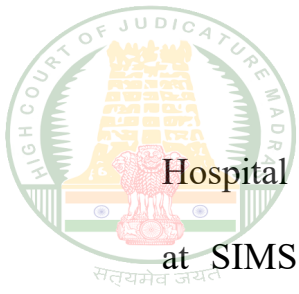
ORDER

WEB COPY

The Writ Petition has been filed challenging the order passed by the 1st respondent dated 13.09.2025, wherein, the 1st respondent directed the petitioner to stay out of Chennai Corporation.

2.The petitioner was arrested pursuant to registration of F.I.R. in Crime No.335 of 2025, registered for offences under Section 191(2), 296(b), 115(2), 118(1), 109, 324(4) and 351(3) of BNS, 2023. Thereafter, the petitioner, vide detention order dated 11.06.2025 was detained under Act 14. Subsequently, the detention order was revoked by the Advisory Board vide order dated 25.07.2025.

3.The above F.I.R. in Crime No.335 of 2025 was registered for the occurrence that took place on 22.05.2025 when the petitioner visited “The Lord of the Drinks FL3 Bar” at Nungambakkam High Road with his friends. There was a DJ party and all patrons were engaged in dancing to the music including the petitioner and his friends. During the entertainment, one Selvabharathi, who was also under the influence of alcohol along with his friends began to harass and verbally abused the petitioner and his friends. Therefore, there was a quarrel between them, due to which the petitioner’s friend also sustained bleeding injuries on his head. Immediately, the victim was taken to KMC



Hospital for first aid, and subsequently, he was admitted and provided treatment at SIMS Hospital, Vadapalani, Chennai. Thereafter, the victim lodged a complaint and the same got registered in Crime No.327 of 2025, on 23.05.2025 for the offences under Section 296(b), 115(2), 109 and 351(3) of BNS, 2023 as against the said Selvabarathi and others.

4. Thereafter, the Sub Inspector of Police from the 3rd respondent Police Station, came to the scene of occurrence and *suomotu* registered another F.I.R. in Crime No.328 of 2025, for the offences under Section 24 of TNP Act, against all the accused including the petitioner. Subsequently, another complaint was lodged by the hotel manager, which was registered in Crime No.335 of 2025 for the very same occurrence, in which, the petitioner is arrayed as accused. Pursuant to the said registration of the F.I.R., the petitioner was arrested and remanded to judicial custody.

5. Though the petitioner was detained under the Act 14, subsequently, his detention order was set aside by the Advisory Board by an order dated 25.07.2025. Therefore, the 1st respondent issued show cause notice dated 16.08.2025, calling upon the petitioner to appear and submit his explanation. On receipt of the said notice, the petitioner also submitted his explanation and also represented through his counsel. However, the 1st respondent without being satisfied with the same, passed the impugned order dated 13.09.2025,



directing the petitioner to stay out of the Chennai Corporation Limit.

WEB COPY

6. On a perusal of the said show cause notice, it is seen that the petitioner was termed as a rowdy continuously in and around Chennai City area and he has been habitually engaging himself in violent assaults with deadly weapons, death threats and large scale financial frauds through his associates. Further, he also had disrupted the peace and tranquillity of Chennai City, the witnesses who have witnessed the commission of the offences are not willing to come forward to give evidence apprehending danger to their lives and property and it is reasonably believed that his movements and acts can cause alarm, danger or harm or the commission of such offence, or require such person to move himself outside the said Chennai City.

7. It is relevant to extract the Provision under Section 51A of Chennai City Police Act, 1888. The said Act reads as follows:

"Section 51A - Power to direct removal of persons from City in Special cases

(1) Whenever the Commissioner is satisfied from information received or otherwise --

(a) Central Act XLV of 1860-- that the movements or acts of any person in the City of Madras who has not been born in the said City or in the district of Chingleput or North Arcot as it existed immediately before the 1st April 1960 are

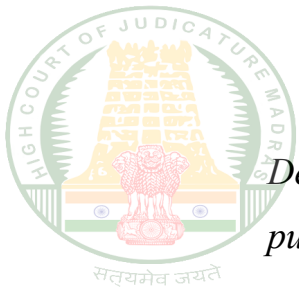


WEB COPY

causing or are calculated to cause, alarm, danger or harm to person or property, or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of any offence involving force of violence or punishable under Chapter XII, XVI or XVII of the Indian Penal Code or in the abetment of any such offence ; and

(b) that witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part regarding the safety of their person or property, the Commissioner may, by an order in writing signed by him, direct such person so to conduct himself as small seem necessary to the Commissioner to prevent such alarm, danger or harm or the commission of such offence, or require such person to move himself outside the said City within, such time as may be specified in the order.

(2) Before an order is passed against any person under subsection (1) the Commissioner or any Joint Commissioner or any Deputy Commissioner authorized by him shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. The Commissioner or Joint Commissioner or Deputy Commissioner may also examine any witnesses produced by such person. Any written statement made by such person shall be filed with the record. Such person shall be entitled to appear before the Commissioner or Joint Commissioner or



Deputy Commissioner by an advocate or attorney for the purpose of explaining the allegations against him and examining the witnesses produced by him.

WEB COPY

(3) The Commissioner or Joint Commissioner or Deputy Commissioner authorized under sub-section (2) may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (1), exercise all or any of the powers of a Court under Sections 75 to 77 of the Code of Criminal Procedure, 1898.

(4) Any person aggrieved by an order of the Commissioner under sub-section (1) may, within thirty days from the date of such order, appeal to the State Government who may, after considering all the circumstances of the case, confirm, vary or rescind the order. Where an appeal is preferred to the State Government under this sub-section, they may at their discretion, subject to such conditions, if any, as they may think fit to impose, stay the operation of the Commissioner's order, pending the passing of final orders on the appeal.

(5) No order passed by the Commissioner under subsection (1) or by the State Government under sub-section (4) shall be called in question in any Court except on one or more of the following grounds, namely :--

(a) that the procedure laid down in sub-section (2) was not followed ; or

(b) that there was no material upon which the order could have been based ; or



WEB COPY



(c) that there was no sufficient ground for believing that witnesses were not willing to come forward to give evidence in public against the person in respect of whom the order was made.

(6) (a) Any person who is guilty of the breach of any direction given to him under sub-section (1) of sub-section (4) shall be punishable with imprisonment which may extend to two years or with fine or with both ; (b) If any person directed under sub-section (1) or subsection (4) to remove himself outside the City of Madras fails or refuses to do so or re-enters the said City while such direction is in force, the Commissioner may, in lieu of or in addition to prosecuting such person under clause (a), cause him to be arrested and removed in police custody to such place outside the said City as he may direct.

(7) Nothing in this section shall be deemed to require any Police Officer to disclose to the person against whom an order is made under sub-section (1) or to any Court the sources of his information or any fact the communication of which might, in the opinion of the Commissioner, lead to the disclosure of the identity or name of any informant."

8. Thus, it is clear that the 1st respondent, before passing an order under Section 51A, ought to have issued show cause notice as contemplated under Section 51A(2). Though the 1st respondent issued show cause notice to the petitioner, which states that the petitioner was involved in several cases and has



given threat to the general public, the above incident admittedly took place in “The Lord of the Drinks FL3 Bar” at Nungambakkam High Road. Further, no case has been registered as against the petitioner so far, except for the cases in Crime No.328 of 2025 and Crime No.335 of 2025 and that too for the very same occurrence. In fact, the petitioner’s friend sustained head injury, for which he lodged a complaint and the same was registered in Crime No.327 of 2025 as against the said Selvabharathi. The said Selvabharathi, in fact, did not lodge any complaint as against the petitioner and he is the real aggressor. Further, the hotel manager also lodged a complaint for the very same occurrence and the same was registered in the Crime No.335 of 2025, in which the petitioner was arrested and remanded to judicial custody. Though, the petitioner was detained under Act 14, subsequently, his detention order was also set aside by the Advisory Board by an order dated 25.07.2025.

9. Therefore, in order to wreak vengeance as against the petitioner, the 1st respondent issued show cause notice as if the petitioner is a habitual offender. Further, impugned show cause notice states that the petitioner also engaged himself in violent assaults with deadly weapons, death threats and large scale financial fraud through his associates and he disrupted the peace and tranquillity of Chennai City. There is absolutely no evidence to show that the petitioner involved in any financial fraud case or disrupted the peace and tranquillity of Chennai City. The occurrence took place between two groups in the bar and that



too while dancing in the DJ party. Now the F.I.R. has been registered and he is facing investigation in Crime No.335 of 2025. On receipt of the show cause notice, the petitioner also submitted detailed explanation. However, the 1st respondent without even considering the explanation submitted by the petitioner, mechanically passed the order dated 13.09.2025. It is therefore nothing but clear abuse of process of law and non application of mind. In fact the detention order was also set aside by the Advisory Board since the petitioner involved in only one incident and he is not a habitual offender. There is absolutely no threat at the hands of the petitioner to the peace and tranquillity of the Chennai City people.

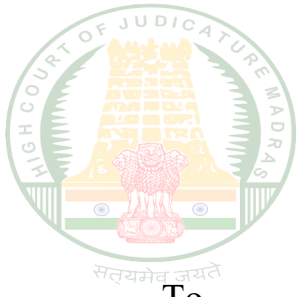
10.In view of the above, the order impugned cannot be sustained and accordingly impugned order of the 1st Respondent passed in Na.Ka.No.06/Ve/Aa/2025 dated 13.09.2025 is hereby set aside.

11.The Writ Petition stands allowed. No costs.

02-06-2026

Index: Yes/No Speaking
/Non-speaking order
Neutral Citation: Yes/No

kas



G.K.ILANTHIRAIYAN, J.

kas

To
WEB COPY

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner office Buildings,
E.V.K.Sampath Road, Vepery,
Chennai – 600007.
2. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Triplicane District, Chintadripet,
Chennai - 600002.
3. The Inspector of Police (Law and Order)
F-5, Nungambakkam Police Station,
Chennai - 600 034.

WP CrI. No. 1363 of 2025
(2/2)

02-06-2026