



H.C.P.No.2157 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2157 of 2025

Vasmathi, F/A 27 years
W/o. Tamilvanan,
No.660/3, NSK Nagar,
Baluchettychatram & Post,
Kancheepuram – 631 551.

.. Petitioner

VS

- 1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai-600 009.
- 2.The District Collector cum District Magistrate,
O/o. The District Collector cum District Magistrate,
Kancheepuram – 631 501.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Kancheepuram – 631 501.
- 4.The Superintendent of Central Prison,
Central Prison, Vellore.
- 5.The Inspector of Police, Law and Order,
Ponnerikkarai Police Station,
Kancheepuram.

.. Respondents



H.C.P.No.2157 of 2025

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Habeas Corpus calling for the entire records relating to the impugned detention order against the detenu Tamilvanan, Male, aged 28 years, S/o. Poongavanam, residing at no.660/3, NSK Nagar, Baluchettychatram & post, Kancheepuram Taluk and district detained Central Prison, Vellore as Goonda vide Rc.No.712/2025/M6 D.No.31/2025 dated 25.08.2025 passed by the 2nd respondent u/s. 3(1) of Tamil nadu Prevention Dangerous Activities of Bootleggers, Cyber Law Offenders, Durg Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act (Tamilnadu Act 14 of 1982) and set aside the same and direct the respondents to produce the body of detenu before this Court now confined in Central Prison, Vellore and set at liberty.

For Petitioner : Mr.M.Mubeen

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

ORDER

(Made by Dr. ANITA SUMANTH, J.)

The wife of one Tamilvanan (detenu) who has been detained under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982) as 'Goonda' has approached this Court seeking to quash the order of detention dated 25.08.2025.



H.C.P.No.2157 of 2025

2. We have heard learned counsel for petitioner and learned

Additional Public Prosecutor for respondents.

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3. In the ground case, the offences relate to Sections 331(7) and 103(1) of Bharatiya Nyaya Sanhita, 2023. In one of the grounds of detention, the detaining authority has however proceeded on the basis that the case of the detenu is comparable with the case of the accused in Crl MP No. 4430 of 2017, whereas the offences relate to Sections 323, 294(b), 506(ii), 307 and 376(d) of the IPC read with Section 4 of the Tamil Nadu Prohibition of Women Harassment Act.

4. Learned counsel for petitioner has argued that the subjective satisfaction of the detaining authority is vitiated since the two cases are not comparable.

5. On a careful consideration of the provisions under which the two case rests, we agree with the petitioner, particularly for the reason that the accused in that case who has been granted bail (in Crl MP No.4430 of 2017 dated 18.12.2017 by Principal Sessions Judge, Kancheepuram) had not been charged with the offence of murder. The subjective satisfaction of the authority thus, in our considered view, stands vitiated for the error in comparison of the two cases.

6. For the aforesaid reasons, we find that the order of detention passed by the second respondent in Rc.No.712/2025/M6 D.No.31/2025



H.C.P.No.2157 of 2025

on 25.08.2025 branding him as Goonda is bad in law and allow this habeas corpus petition.

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7. The detenu, viz., Tamilvanan, S/o. Poongavanam, aged 28 years, who is now confined in Central Prison, Vellore, is hereby directed to be set at liberty forthwith unless his presence is required in connection with any other case.

[A.S.M, J.] [S.M, J.]
20.04.2026

Index:Yes/No

Neutral Citation:Yes/No

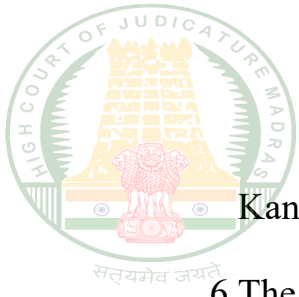
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Note : Issue Today

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai-600 009.
- 2.The District Collector cum District Magistrate,
O/o. The District Collector cum District Magistrate,
Kancheepuram – 631 501.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Kancheepuram – 631 501.
- 4.The Superintendent of Central Prison,
Central Prison, Vellore.
- 5.The Inspector of Police, Law and Order,
Ponnerikkarai Police Station,

4/6



H.C.P.No.2157 of 2025

Kancheepuram.

6.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai

7.The Public Prosecutor,
High Court, Madras.



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H.C.P.No.2157 of 2025

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and
SUNDER MOHAN,J.

ssm

H.C.P.No. 2157 of 2025

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