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IN THE HIGH COURT OF JUDICATURE AT MADRAS

HC



2025

DATED: 14-08-2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

HCP.No.1599 of 2025

S.Vijay

No.268, New Additional Law Chambers, 1st Floor High Court Buildings, Chennai-600 104.

Petitioner(s)

Vs

The Commissioner of Police,

No.132, Commissioner Office, EVK Sampath Road, Vepery, Chennai-600 007. and another

Respondent(s)

For Petitioner(s): Mr.Ramesh Umapathy

For Respondent(s): Mr.J.Ravindran, AAG assisted by Mr.R.Muniyapparaj, APP and
Mr.Santhosh, GA (Crl. Side)

ORDER

(Order of the Court was made by M.S.Ramesh,J.)

As per the averments made in this Habeas Corpus Petition, it is stated that the respondents- Police have forcefully arrested a group of Sanitary Workers, who were staging a protest outside the Chennai Corporation Building. According to the petitioner, some of the Lawyers and Law College Students, who were present at the protest place, were found missing and their whereabouts were not known. The details of these missing Lawyers/Students are as follows:-



- i. Mr.K.Bharathi, Enrl.No.M/s.1711/2003 – Advocate
- ii. Mr.K.Suresh, Enrl.No.M/s.1554/2006 – Advocate
- iii.Mr.Mohan Babu, Enrl.No.M/s.5082/2022 – Advocate
- iv.Mr.R.Raj Kumar, Enrl.No.M/s.2323/2018 – Advocate
- v. Ms.Aarthi, Enrl.No.M/s.2529/2015 – Advocate
- vi.Mr.Muthuselvan – Law Student
- vii.Ms.Valarmathi – Law Student
- viii.Mr.Sunil Kumar – Law Student
- ix.Mr.Dhanasekar – Law Student
- x. Mr.Mukesh Kannan – Law Student
- xi.Mr.Ashwin Kumar – Law Student
- xii.Mr.Senthil Kumar – Law Student
- xiii.Mr.Gopi – Law Student

2.Claiming that the aforesaid Lawyers/Students are under illegal detention/custody, the petitioner seeks for a direction to the respondents to produce the detenues and set them at liberty.

3.The learned Additional Advocate General contended that this agitation has been going on for quite sometime and on 13.08.2025, the Hon'ble First Bench of this Court had passed an order in W.P.No.30607 of 2025, by holding that the Sanitary Workers, though have a right to lodge peaceful protest, cannot exercise their right by protesting in the pavements/pathways/roads and accordingly had observed that all restraint shall be exercised by the law enforcing agency while ensuring that the pavements/pathways/roads are not



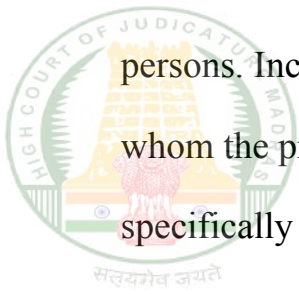
allowed for organising and staging protest.

4. Insofar as the claim of the petitioner that 5 Lawyers and 8 Law Students were missing is concerned, he had submitted that the concerned Police have registered 7 First Information Reports in F.I.R.Nos.422 to 427 of 2025 by the G2-Periamet Police Station and F.I.R.No.310 of 2025 by the D2-Anna Salai Police Station, in which 4 Lawyers, namely K.Bharathi, K.Suresh, Mohan Babu and R.Raj Kumar and 2 Law Students, namely Muthuselvan and Valarmathi, were arrayed as accused and they have also recorded their arrest. Insofar as the remaining one Lawyer, namely Aarthi, and 6 Law Students, namely Sunil Kumar, Dhanasekar, Mukesh Kannan, Ashwin Kumar, Senthil Kumar and Gopi, they were enquired and allowed to leave.

5. According to the learned Additional Advocate General, the 6 arrested persons were accused of having committed the offences under Sections 191, 191(3), 125, 121(1), 126(2), 132, 324(4), 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 r/w Section 3(1) of The Tamil Nadu Public Property (Prevention of Damage and Loss) Act.

6. When we sought for the materials/evidences, which the concerned Police possessed with which they had reasons to believe that these 6 persons may have committed cognizable offences, he produced a copy of the accident register of a woman constable attached to the All Women Police Station, Thousand Lights, as well as a few video clippings, alleging that the accused persons had indulged in certain acts attracting the offences.

7. In the accident register, it is recorded that the patient had suffered a simple injury on the right hand and it is recorded therein that the woman constable was assaulted by unknown



persons. Incidentally, the Police have arrested 930 persons, which includes the 6 or whom the present Habeas Corpus Petition has been filed and the accident register does not specifically implicate these detenues.

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8. With regard to the video clippings produced before us, the Police claim that all the persons named in the F.I.Rs had caused damages to public transport buses, which has been captured in the video clippings. We had viewed the clippings in which we find that the glass doors of the buses, which displayed a board stating 'MTC Police' were damaged.

9. On a *prima facie* view, the persons accused of having caused rioting were arrested and confined inside the buses. In other words, the Police appear to have already arrested the accused and the damage to the buses seems to have happened later.

10. At this juncture, the learned Additional Advocate General submitted that since the Habeas Corpus Petition has been moved by way of a lunch motion, he was not in a position to produce other materials to substantiate the registration of F.I.Rs and therefore sought for time.

11. In the light of our above observations, we are of the *prima facie* view that the detention of 4 Lawyers and 2 Law Students by the Police may be unlawful. It is also brought to our notice that all the arrested persons have not been produced before the concerned Magistrate's Court for remand.

12. Accordingly, the respondents are directed to forthwith release the detenues, namely K.Bharathi, K.Suresh, Mohan Babu, R.Raj Kumar, Muthuselvan and Valarmathi, on



condition that the petitioner herein or the aforesaid 6 persons shall not give any interviews or statements or post anything in the social medias with regard to the issue in hand, till the next date of hearing.

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13.Call the matter on 21.08.2025.

(M.S.RAMESH,J.) (V.LAKSHMINARAYANAN,J.)

14-08-2025

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Note: Issue order copy on 14.08.2025

To

1.The Commissioner of Police,
No.132, Commissioner Office,
EVK Sampath Road, Vepery,
Chennai-600 007.

2.The Inspector of Police,
G2, Periyamedu Police Station,
Chennai-600 003.

3.The Public Prosecutor,
High Court of Madras.