



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2016

CORAM

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THE HONOURABLE **MR. JUSTICE V. BHARATHIDASAN**

W.P (MD) .No.20188 of 2016

and

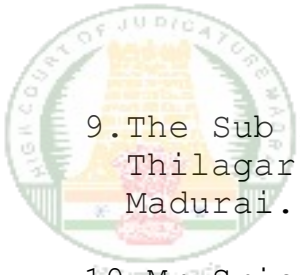
W.M.P. (MD) .No.14482 of 2016

Rajkumar

... Petitioner

Vs

- 1.The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-09.
- 2.The Director General of Police,
Office of Director General of Police,
Santhome, Chennai-04.
- 3.The Commissioner of Police,
Madurai Rural, Madurai-02.
- 4.The District Collector,
Madurai District, Madurai.
- 5.The Inspector of Police,
Karimedu (Crime) Police Station,
Madurai.
- 6.Mr.Pushparaj
The Inspector of Police,
Karimedu (Crime) Police Station,
Madurai.
- 7.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai.
- 8.Mr.Selvaraj
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai.
(Now Inspector of Police, L & O,
Keerathurai Police Station, Madurai).



9. The Sub Inspector of Police,
Thilagar Thidal Police Station,
Madurai.

10. Mr. Srinivasan,
Sub Inspector of Police,
Thilagar Thidal Police Station,
Madurai.

(Now Sub Inspector of Police,
Civil Supply C.I.D,
(Food Cell), Coimbatore,
Coimbatore District).

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to pay Rs.25 lakhs to the petitioner as compensation by the State for the atrocities of the police officials against the citizen of India.

For petitioner : Mr. M. Mohamed Rafi
For Respondents : Mr. N. S. Karthikeyan
Addl. Govt. Pleader

ORDER

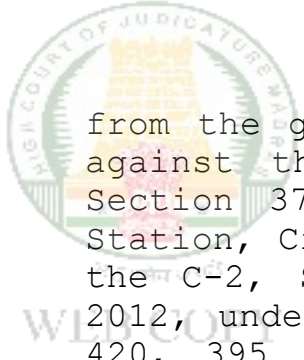
The petitioner has filed this writ petition, seeking a direction, directing the respondents to pay Rs.25 lakhs to the petitioner as compensation by the State for the atrocities of the police officials against the citizen of India.

2. According to the petitioner, he has been falsely implicated in a criminal case and in view of that, he has been detained under the Goondas Act. Challenging the detention order, he has filed a Habeas Corpus Petition in H.C.P.(MD).No.1227 of 2013 before a Division Bench of this Court and this Court, passed an order dated 18.02.2014, setting aside the detention order. Further, according to the petitioner, the defacto complainant in the ground case mentioned in the detention order has already given a statement before the concerned Court that he has not given any complaint against the petitioner, and since on the basis of the above alleged complaint, he has been detained, he has sought for compensation by way of filing this writ petition.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in all the cases. Because of that, he suffered a lot. Hence, his claim for compensation may be granted.

4. Heard the submissions made on either side and perused the documents carefully.

5. On perusal of the affidavit and the typed set of papers filed along with the writ petition, it could be seen that apart



from the ground case, there are three more adverse cases pending against the petitioner is pending in Cr.No.261 of 2012 under Section 379 @ 392 I.P.C, on the file of C-5, Karimedu Police Station, Cr.No.673 of 2012, under Section 392 I.P.C on the file of the C-2, Subramaniyapuram (Crime) Police Station, Cr.No.1075 of 2012, under Sections 365, 387, 457, 380 @ 120(b), 365, 387, 342, 420, 395 r/w 397 I.P.C, on the file of C-5, Karimedu (Crime) Police Station and considering all the above cases, the order of detention has been passed by the authority, not based on the ground case alone, as claimed by the petitioner.

6.Considering the above facts and circumstances of this case, this Court is of the view that this Court cannot decide the claim of the petitioner for grant of compensation. However, if at all the petitioner has any grievance, it is up to him to approach the appropriate Civil Court, file a suit and prove that the above said criminal cases are false and illegal and get compensation. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

- 1.The Home Secretary,
Government of Tamil Nadu, Secretariat, Chennai-09.
- 2.The Director General of Police,
Office of Director General of Police, Santhome, Chennai-04.
- 3.The Commissioner of Police, Madurai Rura, Madurai-02.
- 4.The District Collector, Madurai District, Madurai.
- 5.The Inspector of Police,
Karimedu (Crime) Police Station, Madurai.
- 6.Inspector of Police, Thilagar Thidal Police Station, Madurai.
- 7.The Inspector of Police, Thilagar Thidal Police Station, Madurai.
- 8.The Sub Inspector of Police,
Thilagar Thidal Police Station, Madurai.

+1 cc to M/s.M.Mohamed Rafi, Advocate in SR.No.62357

vs

CSL/PV/16.11.2016: 3P/10C