



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.1639 of 2017

and

W.M.P.(MD)No.1328 of 2017

M.Subburaj @ Raja

... Petitioner

-vs-

1. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Director General of Police,
Office of Director General of Police,
Chennai-600 004.
3. The Additional Director General of Police,
Office of the Additional Director General of Police,
Chennai-600 004.
4. The Superintendent of Police,
Theni District, Theni.
5. The Deputy Superintendent of Police,
Periyakulam Division, Theni District.
6. The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents herein to pay a compensation of Rs.50,00,000/- (Rupees Fifty Lakhs only) for imprisonment of the petitioner by foisting a false criminal case and undergoing ordeal of trial from 2005 to 2015 till the date of acquittal.

For Petitioner : Mr.M.Natarajan

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

**ORDER**

It is the case of the petitioner that he was made an accused in Cr.No.205 of 2003 of Thenkarai Police Station and after full pledged trial in C.C.No.157 of 2005, he was acquitted by the learned Judicial Magistrate, Periyakulam on 04.08.2015. During investigation, the petitioner was arrested and was remanded to judicial custody for 18 days. Now the petitioner is before this Court for a direction to the respondents to pay him compensation of Rs.50,00,000/-.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. Admittedly Cr.No.205 of 2003 was registered against the petitioner for the offences under Sections 387 I.P.C. and Sections 3 and 4 of Tamil Nadu Prohibition of Charging of Exorbitant Interest Act 2003. This registration of the F.I.R. was based on the statutory provisions viz., Section 154 Cr.P.C. After registration of the F.I.R., the police conducted the investigation in accordance with the Chapter 12 of the Code and filed a final report under Section 173 Cr.P.C., based on which the cognizance was taken by the jurisdictional Magistrate under Section 190 Cr.P.C. The charges were framed against the petitioner under Section 240 Cr.P.C. and thereafter only, after full pledged trial, he was given the benefit of doubt and acquittal. Therefore, it is not a case where the petitioner was illegally arrested or detained. The fact that the charges were framed against him by the learned Judicial Magistrate, Periyakulam would by itself show that there were prima facie materials against the petitioner. Just because, the petitioner was acquitted subsequently for want of legal evidence, he cannot contend that the very initiation of prosecution was abuse of process of law. Therefore, the prayer of the petitioner is misconceived. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department,

<https://hcservices.secreto.gov.in/hcservices/> Tamil Nadu,
Fort St.George, Chennai-600 009.



2. The Director General of Police,
Office of Director General of Police,
Chennai-600 004.

3. The Additional Director General of Police,
Office of the Additional Director General of Police,
Chennai-600 004.

4. The Superintendent of Police,
Theni District, Theni.

5. The Deputy Superintendent of Police,
Periyakulam Division,
Theni District.

6. The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.

+1cc to Mr.M.Natarajan, Advocate Sr.No.19279

+1cc to Spl.Government Pleader Sr.No.50232

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