

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 7278 of 2018

S.Kumaravelu

...Petitioner

-Vs-

1. The Secretary to Government
Home Department,
Fort. St. George,
Chennai - 600 009.

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

3. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.

4. Chellamuthu

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent herein to pay compensation for a sum of Rs.50,00,000/- to the petitioner herein for the wrongful confinement of the petitioner by the 4th respondent herein.

For Petitioner : No Appearance

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor- R1 to R3

ORDER

The prayer in the petitioner is to direct the 1st respondent herein to pay compensation for a sum of Rs.50,00,000/- to the petitioner herein for the wrongful confinement of the petitioner by the 4th respondent herein.

2. No Appearance for the petitioner. Heard the learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that the one K. Kalaivanan has lodged a complaint with the Commissioner of Police, Chennai on 26.12.2014 against P.V. Jeyanthi Aiyengar and one K.K. Builders that he suspected a false advertisement was published in a newspaper in Mambalam Times for acceptance from the needy public to construct flats in the property belonged to his sons. It is stated that the said P.V. Jeyanthi Aiyengar has executed the settlement deed in respect of the said property to her son's name viz., J. Sreeram Bullappan on 07.07.2014, in which the petitioner herein had signed as witness. Though the defacto complainant categorically narrates about his mere suspicion, the 4th respondent herein registered a case in Crime No. 249 of 2015 dat3d 07.07.2017 for the offences punishable under Section 465, 467, 468 r/w 471 and 120(b) IPC and arrested the petitioner.

4. It is also seen that the said complaint was subsequently closed as 'Mistake of fact'. As against which, the Deputy Commissioner of Police, Central Crime Branch, Vepperi, Chennai has filed a protest petition and the same is pending before the Chief Metropolitan Magistrate, Special Court for Land Grabbing Cases No.II, Periamedu, Chennai.

Under these circumstances, the prayer sought for by the petitioner, seeking compensation does not arise. Hence, the writ petition stands dismissed as it is devoid of merits. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Home Department,
Fort. St. George,
Chennai - 600 009.

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

3. The Commissioner of Police,
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Chennai - 600 007.

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