

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14464 of 2017

S.Murugesan

...Petitioner

-Vs-

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Home Department,
St. George Fort,
Chennai - 600 009.
2. The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai.
3. The Inspector General of Police,
Wester Zone,
Coimbatore.
4. The Superintendent of Police,
Tiruppur,
Tiruppur District.
5. The Deputy Superintendent of Police,
Dharapuram, Tiruppur District.
6. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.

7. A.V.Ilamurugan

8. J.Paulraj

9. V.Natarajan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 5 to take appropriate action on the petitioner's representation dated 15.02.2017 against the respondents 7 to 9 criminally, respondents 7 and 8

departmentally, consequently to direct the respondents 1 to 4 to pay compensation of Rs.10,00,000/- to the petitioner for foisting false case, illegally detaining the petitioner and atrocities committed on the petitioner by the respondents 7 to 9 and recover the same from R7 to R9.

For Petitioner : M/s.R.Prabakar

For Respondents 1 - 6 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Respondents 7 & 8 : Mr.R.Jayaprakash

For Respondent-9 : Mr.M.Guruprasad

ORDER

This writ petition has been filed by the writ petitioner seeking a direction directing the respondents 1 to 5 to take appropriate action as against the respondents 7 to 9 based on the petitioner's representation dated 15.02.2017.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents 1 to 6 and perused the materials available on record.

3. It is seen that the third respondent/Inspector General of Police registered a case as against the petitioner in Crime No.520 of 2010 for the alleged offence punishable under Section 4 of the Tamil Nadu [Prevention] of Property Damage and Loss Act [hereinafter referred to as "TNPPDL" Act], in which the 6th respondent submitted a final report before the learned Assistant Sessions Judge, Dharapuram, and the same has been taken cognizance in S.C.No.41 of 2014. After completion of the trial, the petitioner was acquitted on the ground that the prosecution did not prove the case beyond reasonable doubt. In fact, the petitioner also let in evidence in which the Trial Court has found that there was a direction to them and as such the witnesses had been rejected after acquittal of the petitioner and thereafter, the petitioner submitted a representation dated 15.02.2017 seeking compensation and take appropriate action as against the police officials.

4. It is also seen that the petitioner was acquitted as the prosecution has failed to prove the case beyond reasonable doubt. Therefore, the benefit of doubt was given to the petitioner and acquitted him. There is no evidence to show that the third respondent initiated malicious prosecution as against the petitioner.

5. While that being so, the prayer sought for in this petition by the petitioner cannot be considered and it is devoid of merits and accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msm

To

1. The Secretary to Government,
Home Department, St. George Fort,
Chennai - 600 009.
 2. The Director General of Police,
Dr.Radhakrishnan Road, Mylapore, Chennai.
 3. The Inspector General of Police,
Wester Zone, Coimbatore.
 4. The Superintendent of Police,
Tiruppur, Tiruppur District.
 5. The Deputy Superintendent of Police,
Dharapuram, Tiruppur District.
 6. The Inspector of Police,
Dharapuram Police Station, Tiruppur District.
- +1 cc to M/s.R.Jayaprakash, Advocate, S.R.No.30773
- +1 cc to M/s.M.Guruprasad, Advocate, S.R.No.30945

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RK(CO)
SSM(20/05/2019).

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