



BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

Dated : 15.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD) No.3278 of 2018

U.Chithiraipandi

... Petitioner

Vs

- 1.The State of Tamil Nadu
represented by its
Principal Secretary,
Home Department,
Secretariat,
Fort St. George,
Chennai - 09.
- 2.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
- 3.The District Collector,
Office of the District Collector,
Thoothukudi District,
Thoothukudi.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Srivaigundam Sub-Division,
Thoothukudi District.
- 6.The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.
- 7.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
- 8.Mathavan (as he then was)
The Deputy Superintendent of Police,
Srivaigundam Sub Division,
Thoothukudi District.



9.Rajasundar (as he then was)
The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

10.Somanrajan,
The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

11.Venkatesan (as he then was)
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

12.Stephan (as he then was)
The Sub Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

13.Subramanian (as he then was)
The Sub Inspector of Police,
Eral Police Station,
Thoothukudi District.

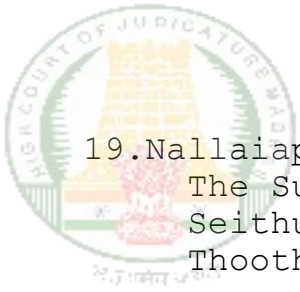
14.Fathima Parveen
The Sub Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

15.Venkatesha Perumal (as he then was)
Head Constable,
Office of the Superintendent of Police,
Thoothukudi District.

16.Inbamagarjan (as he then was)
Head Constable,
Office of the Superintendent of Police,
Thoothukudi District.

17.Ganeshan (as he then was)
Head Constable,
Seithunganallur Police Station,
Thoothukudi District.

18.Gunasekaran
Head Constable,
Seithunganallur Police Station,
Thoothukudi District.



19.Nallaiappan

The Sub Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

20.Innashkumar,

The Sub Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

21.Ravichandran,

The Sub Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

22.Srithar,

The Sub Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

23.Muthuraman,

The Sub Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

24.Selvaraj

CID, Office of the Superintendent of Police,
Thoothukudi.

25.Lakshmanan (as he then was)

Head Constable ,
Seithunganallur Police Station,
Thoothukudi District.

26.Jayaraman

Sub Inspector of Police,
Highway Patrol,
Thoothukudi District.

27.Darmendra Pandian(as he then was)

Sub Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

28.Alwar,

Head Constable,
Seithunganallur Police Station,
Thoothukudi District.



29. Vembu
Head Constable,
Seithunganallur Police Station,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay Rs.10 Crore a compensation to the petitioner for malicious prosecution and for having violated fundamental rights guaranteed under Article 21 of the Constitution of India within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani
For Respondents : Mr.R.Anandharaj, APP for RR1 to 7
Mr.M.Veilkani Raju, for RR11 & 29

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to pay Rs.10 Crore a compensation to the petitioner for malicious prosecution and for having violated fundamental rights guaranteed under Article 21 of the Constitution of India within the time stipulated by this Court.

2.The crux of the allegation is that on the basis of the crime registered in crime No.147 of 2016 registered for the offence under Sections 353, 294(b) and Section 506(ii) IPC, the petitioner was taken to police custody and he was tortured and harassed by the police. The allegations alleged in the writ petition have to be gone into by examining of witnesses. In this regard, the petitioner lodged a complaint before the State Human Rights Commission, Tamil Nadu in case No.6628 of 2017 and it is pending for trial. Therefore, the compensation sought for by the petitioner cannot be granted in this petition. However, since the petitioner is seeking compensation in Human Rights Case No.6628 of 2017 pending before the State Human Rights Commission, the State Human Rights Commission, Tamil Nadu is directed to complete the proceedings in Human Rights Case No.6628 of 2017, within a period of six month from the date of receipt of a copy of this order.

3.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)



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To

- 1.The Principal Secretary,
Home Department,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 09.
- 2.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
- 3.The District Collector,
Office of the District Collector,
Thoothukudi District, Thoothukudi.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District, Thoothukudi.
- 5.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Srivaigundam Sub-Division, Thoothukudi District.
- 6.The Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.
- 7.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
- 8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

copy to

- 1.The State Human Rights Commission,
Thiruvaramangam,
143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai 600 028, Tamil Nadu.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-98630[F] dated 15/11/2019)

Order made in
W.P (MD) No.3278 of 2018
15.11.2019

SMA/13/12/19/5P/11C