



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Writ Petition (MD) No.24126 of 2018

Pandiaraj

... Petitioner

Vs

1.The Secretary to Government,
Home Department,
Secretariat,
Chennai.

2.The Deputy Inspector General of Police,
Madurai Region,
Madurai.

3.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

4. The Inspector of Police,
All Women Police Station,
Srivilliputtur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to pay a sum of Rs.1 crore as compensation to the petitioner for mental agony, false arrest and deprivation of his fundamental rights due to the behaviour of the 4th respondent by considering the petitioner's representation dated 22.09.2018.

For Petitioner : Mr.S.Muniyandi
For Respondents : Mr.R.Anandharaj, APP

O R D E R

This writ petition has been filed for issuance of a writ of Mandamus, directing the respondents to pay a sum of Rs.1 crore as compensation to the petitioner for mental agony, false arrest and deprivation of his fundamental rights due to the behaviour of the 4th respondent by considering the petitioner's representation dated 22.09.2018.



2. Heard the learned Additional Public Prosecutor appearing for the respondents. No representation on behalf of the petitioner. Perused the records.

3.As against the petitioner, a case has been registered in crime No.2 of 2016 for the offences under Sections 341 of I.P.C and Section 11(iv) r/2 12, 7 r/w 8, 11 (i)(iv) r/w 12 of the Protection of Children from Sexual Offences Act and Sections 354(D) and 506(1) I.P.C. The 4th respondent filed final report and the same has been taken cognizance in Special S.C.No.38 of 2016 on the file of the Sessions Judge, (Mahalir Neethimandram), Fast Track Mahila Court, Srivilliputtur. After trial, the petitioner was acquitted by the judgment dated 08.12.2017. As against which, the 4th respondent filed appeal before this Court and it is now pending.

4.While being so, the petitioner sent a representation dated 22.09.2018 seeking compensation for the mental agony, false arrest and deprivation of his fundamental rights due to the false complaint registered as against the petitioner.

5.It is seen that as against the acquittal, an appeal is pending before this Court filed by the 4th respondent. Even the trial Court acquitted the petitioner on the ground that the prosecution failed to prove the charges beyond reasonable doubt. In these circumstances, the representation of the petitioner seeking compensation of Rs.1 crore cannot be considered. Therefore, this petition is devoid of merits.

6.Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Arul

To

1.The Secretary to Government,
Home Department,
Secretariat,
Chennai.

2.The Deputy Inspector General of Police,
Madurai Region,
Madurai.



3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. The Inspector of Police,
All Women Police Station,
Srivilliputtur,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P (MD) No.24126 of 2018
16.10.2019

CS (06.11.2019) 3P 6C