



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.6262 OF 2012

AND

W.M.P.NO.2575 OF 2020

R.Arun Kumar

...Petitioner

Vs.

1.State, represented by
Secretary (Home),
Fort St. George, Chennai - 600 009.

2.Gowtham

3.Dhanraj

4.Vijayanand

5.Venkatesan

6.S.Ravikumar

7.Velusamy

8.Sub-Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Egmore, Chennai - 600008.

9.The Inspector of Police,
CCB, Tiruppur.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to uphold the human rights of the petitioner by calling for the records in FIR No.29 of 2011, dated 29.08.2011, on the file of the Central Crime Branch, Tiruppur, the 9th respondent herein and quashing the same and consequently order prosecution of the respondents 1 to 7; award compensation of Rs.1 crore to the petitioner, direct the 8th respondent to register a FIR on the complaint dated 22.09.2011 by the petitioner.



For Petitioner : Mr.G.Thangavel

For Respondents 1,8&9 : Mr.S.Arumugam
G.A.

For Respondent 6 : Mr.N.Manokaran

For Respondents 2, 4 & 5 : M/s.Senthil Swamy Associates

For Respondent 3 : Mr.S.Vinoth Kumar

For Respondent 7 : No Appearance

O R D E R

(The case has been heard through video conference)

The writ petition has been filed for quashing the FIR No.29 of 2011, dated 29.08.2011, on the file of the Central Crime Branch, Tiruppur and to pay compensation of Rs.1 crore to the petitioner for initiating false criminal proceedings against the petitioner.

2. Mr.G.Thangavel, learned counsel appearing for the petitioner would submit that admittedly now in the above said criminal case, final report has been filed, thereafter criminal trial was conducted in C.C.No.654 of 2017 on the file of the learned Judicial Magistrate No.III, Tiruppur and by judgment dated 30.11.2018, the petitioner was acquitted by the trial Court. The learned counsel would further contend that clearly a false case has been initiated against the petitioner and it is a malicious prosecution and therefore he is entitled for compensation.

3. If the petitioner considers it as a malicious prosecution, the remedy to the petitioner lies elsewhere and not under Article 226 of the Constitution of India. Hence, this writ petition is disposed of with liberty given to the petitioner to initiate appropriate proceedings, if he is so advised. Consequently the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

kk



To

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

2.Sub-Inspector of Police,
Cyber Crime Cell, Central Crime Branch,
Egmore, Chennai - 600008.

3.The Inspector of Police,
CCB, Tiruppur.

+1cc to Mr.G.Thangavel, Advocate, S.R.No.57808

+1cc to M/s.N.Manokaran, Advocate, S.R.No.57975

W.P.No.6262 of 2012 and
W.M.P.No.2575 of 2020

RSI (CO)
RVM(26/11/2021)