



W.P.(MD) No.6604 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.6604 of 2019

WEB COPY

Amarsingh

... Petitioner

-vs-

1.The Superintendent of Police
Thoothoukudi District
Thoothoukudi

2.Thirupathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to take action against the second respondent and other police personals.

For Petitioner : Mr.S.M.Mohan Gandhi
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side) for R1
Mr.Ka.Ramakrishnan for R2

O R D E R

This writ petition is filed seeking a writ of mandamus to direct the first respondent to take action against the second respondent, who has falsely prosecuted the petitioner herein for an offence under Section 185 of M.V.Act.

2. The facts of the case is that a case was registered against the petitioner by the second respondent, while he was serving as Sub Inspector of Police in Eral Police Station, for drunken driving. After examination of witnesses, the Trial Court acquitted the petitioner herein extending benefit of doubt.

3. According to the petitioner, a false case was foisted against him by the second respondent, since there was some misunderstanding between them. Therefore, as soon as the acquittal in S.T.C.No.894 of 2007, dated 24.11.2015, he gave representations to the first respondent - Superintendent of Police, on 01.04.2016, 08.07.2017 and 10.10.2018 to take action against the second respondent for abusing his official power and prosecuting the petitioner. Since no action was taken, the petitioner has filed this writ petition.



4. The learned Government Advocate (Criminal Side) would submit that the petitioner herein is no more and he expired on 08.11.2019 and as far as his representations are concerned, since he was acquitted in S.T.C.No.894 of 2007 extending benefit of doubt, there is no necessity to initiate action against the Sub Inspector Police, who has registered the case and investigated the same.

5. The learned counsel for the second respondent also reiterated the submissions made by the learned Government Advocate (Criminal Side).

6. On the face of the records, this Court finds that the prosecution initiated against the petitioner by the second respondent in exercise of his official duty cannot be taken as an act of personal vengeance just because the petitioner was acquitted of the charges extending benefit of doubt. In addition, since the petitioner is expired, there is no purpose in keeping the writ petition pending. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

The Superintendent of Police,
Thoothoukudi District,
Thoothoukudi.

W.P. (MD) No.6604 of 2019

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