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W.P.(MD)No.8695 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.8695 of 2011

K.K.Ramesh

... Petitioner

versus

The Director General of Police,
Tamil Nadu,
Chennai.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter of the respondent in Lr.No.042210/Cr.3(1)/2011, dated 02.07.2011, quash the same and direct the respondent to give compensation of Rs.25 Lakhs to the petitioner.

For Petitioner : Mr.K.K.Ramesh
Party in person

For Respondent : Mr.N.Ramesh Arumugam,
Government Advocate

ORDER

This writ petition is filed as against the letter of the respondent in Lr.No.042210/Cr.3(1)/2011, dated 02.07.2011, in and by which, the



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representation of the petitioner dated 08.03.2011 seeking compensation, was rejected by the respondent.

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2. The petitioner, party-in-person, submits that he is indulged in social activities and doing social services to the poor people. He filed several cases against the Police Officers in Madurai District Court. He also filed a private complaint against one Sukumar, the then Inspector of Police, B3 Teppakulam Police Station, Madurai, in Cr.M.P.No.1497 of 2003, before the Judicial Magistrate Court No.I, Madurai. When the case was posted for hearing on 10.12.2003, the Inspector Sukumar intimidated him to withdraw the case. Since he refused to withdraw the case, the Inspector Sukumar, with the help of one Vatchala, an offender in Immoral Traffic offence, foisted a false case against him in Crime No.833 of 2003 for the offence under Sections 341, 323, 354, 506(i) of IPC and remanded him to prison on the same day.

3. The petitioner further submits that he has also raised certain objections at the time of remand that the case itself has been foisted for



coercing him to withdraw the criminal case pending against the Inspector of Police in Cr.M.P.No.1497 of 2003. However, he was confined in prison for 33 days. Thereafter, he filed an application before the learned District and Sessions Judge, Madurai, seeking transfer of investigation. The learned District and Sessions Judge, Madurai, by order dated 15.03.2003, transferred the case to CBCID. However, final report was filed before the Judicial Magistrate No.II, Madurai and the same was taken on file in C.C.No.236 of 2005. During the trial, P.W.1-Vatchala deposed that she lodged a complaint against the petitioner only on the compulsion of the Inspector of Police and the complaint itself was prepared by the Police Officials and she has not sustained injury. Based on the evidence of P.W.1, he was acquitted in the criminal case.

4. Now, it is the grievance of the petitioner that in view of the case registered against the him, he lost his reputation in the society and also suffered mental agony. Therefore, he made a representation to the respondent to provide a compensation of Rs.25 lakhs for the false case



registered against him in Cr.No.833 of 2003 and for the illegal confinement of 33 days in jail.

5. In support of the case, the petitioner has also relied upon a Judgment of the Hon'ble Supreme Court in 1993 SCR (2) SCC 581 (Hilasahi Sehera vs. Orissa Government).

6. The learned Government Advocate appearing for the respondent submits that one Vatachala gave a complaint on 10.12.2003 alleging that the petitioner attacked her with hands and also threatened her with dire consequences. Based on the said complaint, a case in Crime No.833/2003 was registered against the petitioner for the offence under Sections 341, 323, 354, 506(i) IPC. Thereafter, she was referred to Balarengapuram Government Hospital, wherein, she was admitted as in-patient on 10.12.2003 and discharged on 13.12.2003. The Medical Officer found contusion injury over her cheek and also issued a wound certificate. Though the petitioner alleges that at the instance of one Sukumar, the Inspector of Police, B3 Teppakulam



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Police Station, the case was registered against him, the case was registered by one Baskaran, Sub Inspector of Police. Thereafter, the petitioner filed an application for transfer of investigation and subsequently, the case was transferred to CBCID for further investigation. The investigation was also conducted by one R.Jeganathan, Inspector of Police, CBCID and after the completion of investigation, a charge sheet was filed before the learned Judicial Magistrate No.I, Madurai, against the petitioner for the offence under Sections 341, 323, 354, 506(i) IPC and Section 4 of Tamil nadu Prohibition of Harassment of Women Act. During the trial, 21 witnesses were examined on the side of the prosecution, however, P.W1-Vatchala turned hostile. Therefore, the learned Judicial Magistrate No.I, Madurai, on 30.09.2009, acquitted the petitioner, by extending the benefit of doubt.

7. The learned Government Advocate further submits that the petitioner lodged a complaint against the family members of Vatchala on 06.12.2004, based on which, a case was registered in Cr.No.



1002/2004 on the file of B4 Keeraithurai Police Station as against the family members of Vatchala for the offence under Sections, 147, 148, 307, 506, 500 and 501 IPC. The said complaint was closed as mistake of fact. Thereafter, the petitioner also filed a private complaint before the learned Judicial Magistrate against the family members of Vatchala, which ended in acquittal. The petitioner, by lodging complaints against the family members of Vatchala, put her under threat to be a hostile witness in C.C.No.236 of 2005. Since the complainant Vatchala has not supported the case of the prosecution in C.C.No.236 of 2005, the petitioner was acquitted in the Criminal Case registered against him. Therefore, the petitioner cannot take any advantage of the order of acquittal and he is not entitled for any compensation.

8. This Court considered the rival submissions.

9. On 10.12.2003, one Vatchala lodged a complaint that the petitioner assaulted her with hands and threatened her with dire consequences. The said Vatchala was pregnant at the time of



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occurrence. Based on the said complaint, a case in Cr.No.833 of 2003 was registered against the petitioner on 10.12.2014. On the same day, the said Vatchala was referred to Balarengapuram Government Hospital, wherein, she was admitted as inpatient for three days and she was discharged from the hospital only on 13.12.2014. A wound certificate was also issued to Vatchala that she sustained contusion injury on her cheek. X-ray was also taken on the mandible. On the petition filed by the petitioner, the case in Crime No.833 of 2003 was transferred to CBCID and after investigation, a final report was also filed before the learned Judicial Magistrate No.1, Madurai. Though the petitioner alleges that the case was registered at the instance of one Sukumar, the then Inspector of Police, B3-Theppakulam Police Station, the case was originally registered by one Baskaran, Sub Inspector of Police and thereafter, the case was transferred to CBCID and investigated by one R.Jeganathan, Inspector of Police, CBCID, Madurai. During the investigation, he examined 21 witnesses. After the completion of investigation, he filed the final report, which was also taken on file as C.C.No.236 of 2005 on the file of the learned



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Judicial Magistrate No.I, Madurai. During the trial, 21 witnesses were examined on the side of the prosecution and the victim Vatchala turned hostile. Therefore, the learned Judicial Magistrate No.I, Madurai, on 30.09.2009 acquitted the petitioner by extending the benefit of doubt.

10. Prior to the registration of case in Cr.No.236 of 2005, the petitioner also lodged a complaint against the family members of Vatchala, which was registered in Cr.No.1002/2004 on the file of B4 Keerathurai Police Station, which was closed as mistake of fact. Thereafter, the petitioner filed a private complaint before the learned Judicial Magistrate No.VI, Madurai, in CrI.M.P.No.5240 of 2004 against the family members of Vatchala and the same was also ended in acquittal. Therefore, the contention of the petitioner that P.W.1-Vatchala is a stranger, cannot be accepted. Similarly, this Court is also not inclined to consider the evidence of Vatchala, who was facing counter complaint at the instance of the petitioner.



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11. Considering the facts and circumstances of the case, this Court is not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed. No costs.

25.04.2022

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To

The Director General of Police,
Tamil Nadu,
Chennai.



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B.PUGALENDHI, J.

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