

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.09.2022

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9240 of 2013

and

M.P(MD).No.2 of 2013

1.T.Joywin

2.J.Esther Viji

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Home Secretary,
Department of Home Secretariat,
St.George Fort,
Chennai.

2.The Director General of Police,
O/o.The Director General of Police,
Beach Road, Chennai.

3.The Superintendent of Police,
O/o.The Superintendent of Police,
Tirunelveli District.

4.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi Taluk,
Tirunelveli District.
Crime No.46 of 2013.

5.Sabapathy

6.Yobu

7.Alex

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to provide the compensation of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the petitioners within the time stipulated by this Court.

For Petitioner	:	Mr.T.Lajapathi Roy
For Respondents	:	Mr.A.Thiruvadi Kumar Additional Public Prosecutor for R1 to R4 Mr.S.C.Herold Singh for R5 to R7

ORDER

This Writ Petition was filed seeking for compensation from the State on the ground that the petitioners and family of the first petitioner were put to great hardship and mental agony by the respondent Police on a false case that was registered in Crime No.46 of 2013 for an offence under Section 366 IPC.

2. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents 1 to 4 and Mr.S.C.Herold Singh, learned counsel appearing for the respondents 5 to 7.

3. The fourth respondent has filed a counter affidavit. It is seen from the counter affidavit that the father of the second petitioner gave a complaint on the ground that he had arranged engagement for his daughter on 01.02.2013 with one Lawrence Prabakar. However, the second petitioner went missing and according to the father of the second petitioner, she was

abducted/kidnapped by the first petitioner and his men. Based on the complaint, an FIR came to be registered in Crime No.46 of 2013 for the alleged offence under Section 366 IPC. The investigation was taken up and the first petitioner was arrested on 08.02.2013 and was remanded to judicial custody. On further investigation, it came to light that the petitioners 1 and 2 married on 06.02.2013. The father of the second petitioner thereafter was not interested in prosecuting the complaint and hence, further action was dropped and a report was made ready on 06.06.2013.

4. Taking into consideration the facts and circumstances of the case and the long lapse of time between the date of incident and the date when the writ petition was taken up for final hearing, this Court feels that no useful purpose would be served in once again enquiring into the case. It would amount to flogging a dead horse and it would be better if the petitioners are left to live with their respective families peacefully without any further interference.

5. In view of the above, this Writ Petition is closed. No costs.

Connected miscellaneous petition is closed.

12.09.2022

Index : Yes / No

Speaking Order : Yes / No

ssb

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- 3.The Superintendent of Police,
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Tirunelveli District.
- 4.The Inspector of Police,
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N.ANAND VENKATESH, J.

ssb

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