



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A(MD)No.163 of 2022

R.Shankar :Appellant/Petitioner
.vs.

1.The State of Tamil Nadu,
Represented by its Chief Secretary,
Chief Secretariat,Chennai - 600 009.

2.Additional Chief Secretary,
Tamilnadu Government,
Chief Secretariat,Chennai - 600 009.

3.The Director General of Police,
Tamilnadu Police,
Dr.Radhakrishnan Road,
Mylapore,Chennai.

4.Mr.Harikrishnan,
Inspector of Police,
Thackalay Polic Station,
Kanyakumari District.

5. Mr.Charles,
Inspector of Police,
Thiruvattaru Police Station,
Kanyakumari District.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order dated 12.11.2021 passed in W.P(MD)No.15927 of 2020 on the file of this Court by allowing this writ appeal and consequently, direct the respondent Nos.1 to 3 to take appropriate disciplinary action against the erred police officials who has implicated the appellant herein into false case and the appellant may be awarded compensation of Rupees 50 lakhs for implicating him into false case by the erred police officials.

Prayer in WP(MD). 15927/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, seeking a writ of Mandamus, directing respondents to take
<https://hcservices.ecourts.gov.in/hcservices/>



appropriate disciplinary action against the erred police officials who implicated the petitioner into false case and he may be awarded a compensation of Rs.50 Lakhs for implicating him into false case by the erred police official, within the time limit as fixed by this Honourable High Court.

WEB COPY For Appellant

:Mr.K.Raghul Priyan

JUDGMENT

R. SUBRAMANIAN, J.

AND

N. SATHISH KUMAR, J.

The writ petition filed by the petitioner seeking compensation for malicious prosecution has been dismissed by the Writ Court on the ground that the petitioner has not been diligent in cooperating with the Court for completion of trial in C.C.No.964 of 2018 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram.

2. It is seen that the said Calendar Case has been kept pending for nearly four years without any progress because of the non-cooperation of the appellant. It is also seen that the appellant is an accused in almost 25 cases.

3. The learned counsel for the appellant would vehemently contend that the fact that the appellant was in prison on the date of occurrence is proved beyond doubt and therefore, the prosecution itself is malicious.

4. The fact that the prosecution is malicious prosecution and the appellant is entitled to compensation for malicious prosecution is to be considered only upon acquittal of the appellant in the said criminal case. Pending criminal case, this Court cannot go into the question as to whether the prosecution is malicious or not.

5. In view of the same, we do not find any error in the dismissal of the writ petition. The Writ Appeal is therefore dismissed. In the event the criminal Court finds that the prosecution is malicious, it is open to the appellant to seek compensation and dismissal of the writ petition will not stand in the way.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Chief Secretary,
State of Tamil Nadu,
Chief Secretariat,
Chennai - 600 009.

2.Additional Chief Secretary,
Tamilnadu Government,
Chief Secretariat,
Chennai - 600 009.

3.The Director General of Police,
Tamilnadu Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai.

+1 CC to M/s.K.K.SAMY, Advocate (SR-11922[F] dated 14/03/2022)

JUDGMENT MADE IN
W.A (MD) No.163 of 2022
10.03.2022

PM
MS/23.03.2022/3P.5C