



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.03.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

**AND**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.A(MD)No.252 of 2022**

**and**

**C.M.P. (MD)No.2327 of 2022**

Jinna Peer Mohamed ... Appellant / 6<sup>th</sup> Respondent  
-Vs-

1.M.Asilar ...1<sup>st</sup> Respondent / Writ Petitioner

2.The Chief Secretary to the Government,  
Secretariat, Chennai-09.

3.The Secretary to the Government,  
Home Department, Secretariat, Chennai-09.

4.The Superintendent of Police,  
D.P.O.Nagercoil Post, Kanyakumari District.

5.Sai Saran Thejasvi

6.Devaraj ... Respondents Nos.2 to 6 /  
Respondents 1 to 5

7.Alex

8.The Director General of Police,  
Chennai.

9.Maria Sebastian ... Respondents 7 to 9 /  
Respondents 7 to 9

**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent, praying this Court to set aside the order dated 01.10.2021 made in W.P(MD)No.22630 of 2017.

Prayer in WP(MD). 22630/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents 1 & 2 herein to award a sum of Rs.30,00,000/- as compensation to the petitioner by taking into consideration of the petitioner representation dated 10.08.2017, as expeditiously as possible within the time stipulated as prescribed by this Hon'ble Court.



For Appellant : Mr.Venkateshkumar,  
for Mr.B.Fazil Kirmani  
For R2 to R4 : Mr.J.Ashok,  
& R8 Additional Government Pleader.

**JUDGMENT**

**R.SUBRAMANIAN, J.**

**AND**

**N.SATHISH KUMAR , J.**

This Writ Appeal is filed at the instance of the 6<sup>th</sup> respondent in W.P.(MD)No.22630 of 2017.

2.The prayer in the said Writ Petition was for compensation on the ground that the petitioner was made to suffer at the hands of the police and he had also suffered lot of distress, because the police acted upon a false complaint made by one Maria Sebastian / 9<sup>th</sup> respondent herein, which relates to purely civil dispute.

3.The learned Single Judge found that the petitioner is not entitled to compensation, however, directed the authorities to initiate disciplinary proceedings against the police officials, that is subject matter of challenge in this Writ Appeal.

4.We have heard Mr.Venkatesh Kumar, learned counsel appearing for the appellant, who would submit that nodoubt, the learned Single Judge was well within the powers to direct an enquiry, but if it is termed as disciplinary proceedings, then it will attach a stigma.

5.We find some force in the contention of the learned counsel for the appellant. We dispense with the notice to the first respondent, since the main Writ Petition's prayer has been rejected and the same has not been challenged. We feel that a direction to take disciplinary proceedings straightaway would definitely cause stigma on the appellant. We, therefore, modify the order and direct the official respondents to conduct an enquiry, as to the happenings in the police station and if the official respondents find that there is some material available to proceed against any of the police officials, then they can take suitable action against the police officials.

6.This Writ Appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Myr  
To

1.The Chief Secretary to the Government,  
Secretariat, Chennai-09.

2.The Secretary to the Government,  
Home Department, Secretariat, Chennai-09.

3.The Superintendent of Police,  
D.P.O.Nagercoil Post, Kanyakumari District.

4.The Director General of Police,  
Chennai.

+1 CC to M/s.B.FAZIL KIRMANI, Advocate ( SR-12837[F] dated  
18/03/2022 )

+1 CC to M/s.SPL GP ( SR-13015[F] dated 18/03/2022 )

**JUDGMENT MADE IN**  
**W.A(MD)No.252 of 2022**  
**17.03.2022**

SVS(CO)  
TR(28.03.2022) 3P 7C