



WP(MD)No.18493 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.09.2022**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.18493 of 2014

Brigil Bobby

... Petitioner

/Vs./

- 1.The Government of Tamilnadu,
Rep. by its Secretary,
Home and Police Department,
Secretariat, Chennai.
- 2.The Director General Of Police,
Tamilnadu, Chennai.
- 3.The District Collector,
Kanyakumari District at Nagercoil.
- 4.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 5.The Inspector of Police,
Pudukkadai Police Station,
Kanyakumari District.
- 6.Senthilvel,
Sub Inspector of Police,
District Superintendent of Police Squad,
Nagercoil, Kanyakumari District.

... Respondents



WP(MD)No.18493 of 2014

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to take action against the 6th Respondent and consequently direct the respondents to grant a compensation to a sum of Rs.3,00,000/- by considering the representation of the petitioner dated 31.10.2014 within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.Sivakumar
For R1 to R5 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.
For R6 : Mr.A.Gandhiappan

ORDER

This writ petition was filed seeking for compensation on the ground that the 5th and 6th respondents police had foisted a false case against the petitioner and based on the same, JCB Earth Mover machine belonging to the petitioner was also seized.

2.Heard Mr.S.Sivakumar, learned counsel appearing for the petitioner, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents 1 to 5 and Mr.A.Gandhiappan, learned counsel appearing for the sixth respondent.



WP(MD)No.18493 of 2014

WEB COPY

3. When this writ petition was taken up for hearing, the learned Additional Public Prosecutor appearing for the official respondents submitted that FIR came to be registered against the petitioner in Crime No.404 of 2014 for the offences under Sections 294(b), 353 and 307 IPC and Section 21(1)(5) of the Mines and Minerals Act. Investigation was conducted and a final report was also filed before the Sessions Court, Nagercoil and the same was taken up on file in S.C.No.171 of 2018 and the same is pending.

4. In the considered view of this Court, it will not be appropriate to render any finding in this writ petition at this point of time. In this case, trial is now pending before the concerned Sessions Court. If any finding is made, it will have a bearing in the pending trial.

5. In view of the above, it is left open to the petitioner to raise all the defences before the Trial Court and ultimately, the depending upon the findings of the Trial Court, the petitioner can workout his remedy in accordance with law.



WP(MD)No.18493 of 2014

6.Except giving this liberty, no further orders can be passed in this writ petition. It is made clear that the Trial Court shall consider the case on its own merits and in accordance with law and render findings. This Writ Petition is disposed of accordingly. No costs.

12.09.2022

Internet :Yes/No
Index :Yes/No
sm



WP(MD)No.18493 of 2014

To:

- 1.The Secretary,
Home and Police Department,
Secretariat, Chennai.
- 2.The Director General Of Police,
Tamilnadu, Chennai.
- 3.The District Collector,
Kanyakumari District at Nagercoil.
- 4.The Superintendent of Police,
Kanyakumari District at Nagercoil.
- 5.The Inspector of Police,
Pudukkada Police Station,
Kanyakumari District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



WP(MD)No.18493 of 2014

N.ANAND VENKATESH, J.

sm

Order made in
W.P.(MD)No.18493 of 2014

Dated:
12.09.2022