



WEB COPY



W.P.No.34222 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34222 of 2022

Gunasekar

... Petitioner

Vs.

- 1.The Government of Tamilnadu,  
Represented by its Secretary,  
Home Department,  
Chennai
- 2.District Superintendent of Police,  
Salem District
- 3.The Inspector of Police,  
Attur,  
Salem District
- 4.The Sub Inspector of Police,  
Attur Rural Police Station,  
Attur,  
Salem District

... Respondents

**PRAYER:**

Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to pay Rs.10,00,000/- as compensation for the illegal detention of the petitioner by the malafide act of the 3<sup>rd</sup> & 4<sup>th</sup> respondents for registering false case against the petitioner in



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Crime No.218 of 2020, 221 of 2021 on the file of the Attur Rural Police Station, Salem District.

For Petitioner : Mr.S.Muthukrishnan  
For Respondents : Mr.A.Gopinath,  
Government Advocate(crl.side)

### **ORDER**

This writ petition has been filed for direction to the respondents to pay Rs.10,00,000/- as compensation for the illegal detention of the petitioner by the malafide act of the 3<sup>rd</sup> & 4<sup>th</sup> respondents for registering false case against the petitioner in Crime No.218 of 2020 & 221 of 2021 on the file of the Attur Rural Police Station, Salem District.

2. The learned counsel for the petitioner mainly contended that the petitioner was illegally arrested and detained into custody in pursuant to registration of FIR in crime No.221 of 2020 for the offence punishable under Sections 143, 294(b), 323, 427, 447, 353 of IPC and Section 3 of Tamilnadu Public Property (Prevention of Damage & Loss) Act, 1992. The petitioner also obtained information under Right to Information Act and found that no complaint was lodged on 21.05.2020 for registration of FIR in crime No.221 of



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2020. He further submitted that in pursuant to the registration of FIR in crime

No.210 of 2020 only, other FIR's have been registered against the petitioner.

All the cases have been foisted as against the petitioner for the reason that he lodged complaint as against respondents 3 and 4 herein.

3. Heard, the learned counsel appearing on either side.

4. The crux of the allegations in respect of crime No.221 of 2020 is that on 20.12.2019, the petitioner along with other accused persons trespassed into a reserve forest and damaged sandalwood and other timber trees. They also damaged the camera which was installed to protect the forest and also damaged the cell phones which were snatched from the forest officials. For the said occurrence, immediately on 21.12.2019, the Forest Ranger i.e. Anbazhagan lodged complaint. He was issued CSR.No.334 of 2019 on 21.12.2019 itself. However, FIR was registered only on 21.05.2020. It is true that after registration of FIR in crime No.218 of 2020 for the offence under Sections 294(b), 323, 447 and 506(ii) of IPC, the petitioner was arrested and remanded to judicial custody. Subsequently, arrest was also done for crime No.221 of 2020. Therefore, it cannot be said that the petitioner was illegally



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arrested and remanded to judicial custody. That apart, the petitioner so far

involved in the following cases:

| S No. | Police Station & crime No.          | Section of law                                                                   | Stage of the case                         |
|-------|-------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------|
| 1     | Attur Rural Police Station 935/2005 | 147, 148, 302 IPC r/w – 3(ii)(v) of SC/ST Act                                    | Acquittal                                 |
| 2     | Attur Rural PS 210/2020             | 294(b), 353, 506(ii) IPC                                                         | PT CC.No.92/2021 before JM-1, Attur       |
| 3     | Attur Rural PS 218/2020             | 294(b), 323, 447, 506(ii) of IPC                                                 | UI                                        |
| 4     | Kariyakoil PS 15/2021               | 147, 148, 294(b), 447, 353, 506(ii) of IPC                                       | PT CC.No.286/2021 before JM-1, Atur       |
| 5     | Attur Rural PS 172/2022             | 147, 148, 294(b), 323, 324, 427, 506(ii) of IPC r/w 3(1)(r) and (s) of SC/ST Act | PT SSC No.36/2022 before PDJ court, Salem |

5. Further, the petitioner is also a history sheeter in HS.No.525 of 2020 on the file of the third respondent. Therefore, in order to escape from the clutches of law, this writ petition has been filed, that too to claim compensation. Therefore, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

30.11.2023

Index :Yes/No

Internet : Yes/No



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Speaking order/non-speaking order  
lok

To

1. Secretary,  
The Government of Tamilnadu,  
Home Department,  
Chennai
2. District Superintendent of Police,  
Salem District
3. The Inspector of Police,  
Attur,  
Salem District
4. The Sub Inspector of Police,  
Attur Rural Police Station,  
Attur,  
Salem District
5. The Government Advocate  
High Court of Madras



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**G.K.ILANTHIRAIYAN, J.**

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