



W.P(MD)Nos.10217, 11800, 11801 & 11804 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)Nos.10217, 11800, 11801 &11804 of 2015

and

W.M.P.(MD)Nos.1,1,1,1&2 of 2015

|                |                                            |
|----------------|--------------------------------------------|
| M.Paramasivan  | ... Petitioner in W.P.(MD)No.10217 of 2015 |
| P.Varatharajan | ... Petitioner in W.P.(MD)No.11800 of 2015 |
| P.Sudalaimuthu | ... Petitioner in W.P.(MD)No.11801 of 2015 |
| Yesudhasan     | ... Petitioner in W.P.(MD)No.11804 of 2015 |

**Vs.**

- 1.The State of Tamil Nadu,  
Rep. through its Secretary,  
(Home Department)  
Fort St.George,  
Chennai.
- 2.The District Collector,  
Thoothukudi District,  
Thoothukudi.
- 3.The Deputy Inspector General of Police,  
Tirunelveli.
- 4.The Superintendent of Police,  
Thoothukudi District,  
Thoothukudi.



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5.Selvam

Inspector of Police,  
Nazareth Police Station,  
Nazareth, Thoothukudi District.

... Respondents in all W.Ps.

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to pay a reasonable compensation to the petitioner for the illegal deprivation of his life and liberty and for the torture undergone by the act of the 5th respondent in abuse of his power and to investigate the crimes of the 5th respondent on the basis of the report of the Deputy Superintendent of Police, Social Justice and Human Rights in Thoothukudi District in C.No.158/SDO/(R)/TUT/2015 dated 11.05.15.

For Petitioner : Mr.G.Prabhu Rajadurai

in W.P.(MD)Nos.10217, 11800 & 11801 of 2015

: Mr.R.Ilayaraja in W.P.(MD)No.11804 of 2015

For Respondents : Mr.S.RA.Ramachandran

(in all W.Ps.) Additional Government Pleader for R1 to R4

: Mr.R.Murali for R5

### **COMMON ORDER**

Heard the learned counsel on either side.

2. The writ petitioner belongs to scheduled caste community. They are the residents of Mudivaithanendhal Village, Thoothukudi District. They were falsely implicated in a double murder case in Crime No.155 of 2013 on the file of the Thattapparai Police Station. The petitioners were arrested and remanded to judicial custody. Varatharajan, Sudalaimuthu



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and Yesudasan were in custody for 92 days. Thiru.Paramasivam was in custody for 53 days. The petitioners had a civil dispute with another villager. The 5<sup>th</sup> respondent herein who was the in-charge Inspector of the Thattapparai Police Station tried to do what is known in common parlance as 'Katta Panchayat'. The petitioners resisted the move. Therefore, the 5<sup>th</sup> respondent turned against the petitioners. Around the same time, a double murder took place. The 5<sup>th</sup> respondent took advantage of the situation and implicated the petitioners herein in the said case. He went to the extent of procuring a false statement implicating the petitioners from the son of one of the deceased. Confession was also extracted from the petitioners herein. The petitioners were also subjected to third degree methods. Fortunately for the petitioners, the jurisdictional DSP uncovered the truth. The petitioners were exonerated and deleted from the final report and the real accused were booked. The 6<sup>th</sup> respondent was suspended from service and disciplinary action was also initiated against him. The 5<sup>th</sup> respondent however passed away and the proceedings got abated. Against the 5<sup>th</sup> respondent, prosecution was initiated under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



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1989. On account of his demise, disciplinary action as well as criminal prosecution got abated.

3. Now the question that arises for consideration is regarding payment of compensation to the petitioners herein. It is well settled that if a person is falsely implicated in a criminal case, compensation can be granted in writ jurisdiction vide **(2018) 10 SCC 804 (S.Nambi Narayanan Vs. Siby Mathews and others)**. The entitlement of the petitioners to compensation is beyond dispute. The only question is regarding its quantum. My attention is drawn to the decision rendered in **2016 SCC Online Mad 22868(M.Anumohan Vs. State of Tamil Nadu)**. A learned Judge quantified the compensation by computing it at the rate of Rs.5,000/- per day. In the said writ petition, the Court was concerned with a criminal case registered in the year 2006. In the case on hand, the criminal case was registered in the year 2013. Computing compensation @ Rs.7,500/- per day would meet the ends of justice. Varatharajan, Sudalaimuthu and Yesudasan will be entitled to Rs.6,90,000/-, While Paramasivam will be entitled to Rs.3,97,500/-.



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4. The respondents 1 & 2 are directed to make the said payment to all the petitioners herein within a period of eight weeks from the date of receipt of a copy of this order together with interest at the rate of 6% per annum from the date of filing of this writ petition. The petitioners will also be eligible for getting compensation under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The Writ Petitions are allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

**10.07.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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To

1.The Secretary,  
(Home Department)  
Fort St.George,  
Chennai.

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**G.R.SWAMINATHAN, J.**

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