



W.P.(MD).No.7380 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.7380 of 2016

and

W.M.P(MD)No.6201 of 2016

1. S. Thirumalai Muthusamy

2. B. Ravichandran

3. K.Ponram

... Petitioner

Vs.

The Superintendent of Police,
Dindigul District,
Dindigul.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorari*, to call for the records pertaining to the impugned order in Na.Ka.No.Sil/28852/1273/2015, dated 06.11.2015 and the consequential impugned order of recovery in Na.Ka.No.Sa11/1273/2015, dated 10.12.2015 on the file of the respondent and quash the same as illegal.

For Petitioners : Mr.G.Karthik

For Respondent : Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition has been filed by the petitioner challenging



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2. Heard Mr.G.Karthik, learned counsel appearing for the petitioners and Mr.P.Thambidurai, learned Government Advocate, appearing for the respondent. Perused the material documents available on record.

3. The petitioners were serving under the respondent police. A complaint was lodged against the three persons for custodial death. The National Human Rights Commission has enquired the issue and has ordered compensation to the victim's family and also directed the Government to pay and recovery. Based on the aforesaid order, the impugned recovery order was issued. Challenging the same, the present writ petition is filed.

4. The learned Government Advocate appearing for the respondent submitted that, in the criminal case, all the three persons were convicted on 27.04.2021.

5. Therefore, this Court is not inclined to entertain this petition. This Court already granted an interim order not to recover and also stated it will be subject to the result of the criminal proceedings.



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6. Since the criminal proceedings ended in conviction, this

Writ Petition stands dismissed. However, Liberty is granted to the petitioners to contest the case, if on appeal they are acquitted, their rights would be revived, in accordance with law. No Costs. Consequently, connected miscellaneous petition is also closed.

Index : Yes / No
Internet : Yes
ksa

23.02.2023

To

The Superintendent of Police,
Dindigul District,
Dindigul.



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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.7380 of 2016**

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