



W.A.(MD) No.1862 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **20.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.1862 of 2023
and C.M.P.(MD) No.14237 of 2023

K.Balakumar

... Appellant/Petitioner

-Vs.-

1. The Principal Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Chief Office,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
3. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City,
Madurai – 625 001.
4. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Central Crime Branch-Madurai City,
Old Natham Road, Visalakshipuram,
Madurai – 625 014.



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5. Elangovan,
Then Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Dharapuram – 638 656,
Thiruppur District.

Currently retired as
Assistant Superintendent of Police,
Residing at
Door No.13, West Street,
Koothampoondi,
Anthiyur Taluk,
Erode – 638 315.

6. Pethuraj,
Then Inspector of Police (IS),
Office of the Commissioner of Police,
Madurai City,
Madurai – 625 001.

Now working as
Inspector of Police (L&O),
B4, Keerathurai Police Station,
Madurai – 625 001.

7. Sharmila,
Then Sub Inspector of Police(CS-CID),
Office of the Inspector of Police(CS-CID),
8th Street, Karpaganagar,
K.Pudur,
Madurai – 625 007.

Now working as
The Inspector of Police,
Vilampatti Police Station,
Vilampatti – 624 219,
Dindigul District.



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8. Muneeswaran,
Then Special Sub Inspector of Police (Crime),
D2 Sellur Police Station,
Madurai – 625 002.

Now retired as
The Special Sub Inspector of Police,
Residing at,
No.5/168, 4th Cross Street,
Kanagavel Nagar,
Athikulam Main Road,
K.Pudur,
Madurai – 625 007.

9. Vinoth Kannah @ Kannan ... Respondents/Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to
set aside the order dated 24.07.2023 made in W.P.(MD)No.14992 of 2014
on the file of this Court.

For Appellant : Mr.Subash Babu
Senior Counsel for
M/s.Subash Law Office

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1

Mr.A.Thiruvadikumar
Additional Public Prosecutor
for R2 to R4

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The Writ Appeal on hand has been instituted challenging the
order dated 24.07.2023, passed in W.P.(MD)No.14992 of 2014.



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2. The writ proceedings was instituted seeking compensation of Rs.30 Lakhs with interest and also to pay a sum of Rs. 50 Lakhs for the torture, humiliation, illegal detention and mental torture suffered by the family members of the appellant. The Writ Court considered the issues raised by the appellant and made a finding that the appellant had already lodged the complaint under the provisions of Human Rights Act before the learned Chief Judicial Magistrate, Madurai. The case has been committed to the file of the Principal District and Sessions Judge, Madurai in S.C.No.1 of 2021.

3. It is not in dispute that the Sessions Case is pending for trial. During the pendency of the Criminal Case, the learned Judge has taken a decision that the parties have to workout their remedy before the competent Criminal Court of law in the pending case i.e., S.C.No.1 of 2021.

4. We have no other reason to take a different view since the scope for granting of compensation in Writ Proceedings under Article 226 of the Constitution of India is limited. Human rights violations or certain incidents shocking the conscious of the Court alone would be a



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ground for considering grant of compensation and in all other cases the parties are to be relegated to approach the competent Court of law for the purpose of seeking compensation and to redress their grievances. Writ Court cannot conduct a trial nature proceedings or conduct a roving enquiry with reference to the allegations raised between the parties, which all are in dispute. When the Writ Court cannot conduct such an enquiry with reference to the disputed issues between the parties, quantifying the compensation itself cannot be done in the manner known to law and if such compensation is quantified by exercising the power of discretion, there is a possibility of miscarriage of justice. Further grant of compensation in Writ Proceedings would affect the rights of the accused in the criminal case. Therefore, the question of grant of compensation would arise only after establishing the allegations before the competent Court in the manner known to law. This being the principles, we do not find any infirmity in respect of the order impugned passed by the learned Single Judge granting liberty to the appellant to redress his grievances in the pending criminal case in S.C.No.1 of 2021. Accordingly, the appellant is at liberty to do so in the manner known to law.



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5. With these observations, the Writ Appeal stands dismissed.

No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**[S.M.S.J.,] & [V.L.N.J.,]
20.10.2023**

NCC :Yes/No
Index :Yes/No
SJ

To

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