



W.P.Nos.124 & 196 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

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

W.P.Nos.124 & 196 of 2011
and W.M.P.Nos.1 & 1 of 2011

Dr.Joel

... Petitioner in both W.Ps

-Vs-

1.The Superintendent of Police,
Vigilance & Anti corruption,
Chennai-600 035

2.The Commissioner of Police,
Egmore, Chennai 600 008.

3.The Director General of Police,
Mylapore, Chennai-600 004.

4.The Secretary to the State of Tamil Nadu,
Home Department,
Fort St.George,
Chennai.

5.The Chief Secretary to the
State of Tamil Nadu,
Fort St.George,
Chennai.

6.J.Arulraj
7.Irudhaya Selvanthan
8.Muniasamy

... Respondents in both W.Ps



W.P.Nos.124 & 196 of 2011

Prayer in WP.No.124/2011:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to pay a sum of Rs.50,00,000/- as compensation to the petitioner in pursuance to the petitioner's representation dated 03.12.2010.

Prayer in WP.No.196/2011:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 5 to initiate appropriate disciplinary proceedings against the 6 to 8 respondents being the erring police personnel in pursuance to the petitioner's representation dated 03.12.2010.

In both WPs

For Petitioner	: Mr.R.C.Paul Kanagaraj
For R1 to R5	: Mr.P.Kumaresan, AAG Asst. by Mr.Mr.Ravichandran, AGP
For R6 to R8	: M/s.S.Xavier Felix

COMMON ORDER

The writ petition in W.P.No.124 of 2011 has been filed for a direction directing the respondents to pay compensation of Rs.50,00,000/- and the writ petition in W.P.No.196 of 2011 has been filed for a direction directing the respondents 1 to 5 to initiate appropriate disciplinary proceedings against the respondents 6 to 8 being the erring police personnel in pursuance to the petitioner's representation dated 03.12.2010.



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2. Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents 1 to 5 and perused the materials available on record.

3. The case of the petitioner is that one Chakravarthy lodged a complaint alleging that the petitioner had misappropriated huge amount in the year 2007. Pursuant to the registration of the complaint, an FIR has been registered in Crime No.126 of 2007 for the offences under Sections 403, 406, 409 r/w 109 of IPC by the Inspector of Police, Vigilance and Anti Corruption, Chennai. Thereafter, the petitioner was arrested and remanded to judicial custody. The petitioner lodged a complaint as against the respondents 6 to 8 before the respondents 1 to 3 alleging that he was tortured to the core and also the respondents 6 to 8 demanded huge money. Pursuant to the said complaint, an FIR has been registered in Crime No.2 of 2010 on the file of the Deputy Superintendent of Police, Chennai City-V, Vigilance and Anti Corruption, Chennai, as against the respondents 6 to 8 herein. Thereafter, an enquiry was conducted and the FIR was closed.



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4. Aggrieved by the same, the petitioner filed protest petition. Thereafter, as directed by this Court in CrI.O.P.No.23507 of 2010, further investigation has been conducted and two charge sheets came to be filed. The first charge sheet has been taken cognizance in C.C.No.23 of 2013, pursuant to the allegations with regard to assault. Another charge sheet has been taken cognizance in C.C.No.24 of 2013 for the offence under the Prevention of Corruption Act. Both the charges were challenged before this Court in CrI.O.P.Nos.9516, 12469, 25795 and 25844 of 2014. This Court, by an order dated 21.09.2015, quashed the entire proceedings in both the cases. In fact, aggrieved by the same, the respondents 1 to 5 herein filed an appeal before the Hon'ble Supreme Court of India in SLP (Criminal) No.6886 to 6890 of 2016 and the same was also dismissed by an order dated 17.10.2016.

5. That apart, the petitioner lodged a complaint as against the respondents 6 to 8 have been now compromised between the parties, which was indicated in C.C.No.108 of 2008 by way of private complaint on the file of the Judicial Magistrate No.I, Tambaram, was also quashed by this Court on 30.11.2023 on the ground that the petitioner and the respondents 6 to 8 herein entered into the compromise.



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6. In view of the above, the present writ petition seeking compensation cannot be considered and the writ petition itself is devoid of merits and is liable to be dismissed. Accordingly, these Writ Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

12.04.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

1.The Superintendent of Police,
Vigilance & Anti corruption,
Chennai-600 035

2.The Commissioner of Police,
Egmore, Chennai 600 008.

3.The Director General of Police,
Mylapore, Chennai-600 004.

4.The Secretary to the State of Tamil Nadu,
Home Department,
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5.The Chief Secretary to the State of Tamil Nadu,
Fort St.George,
Chennai.

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