



W.P.No.19599 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:18.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P.No.19599 of 2024

N.D.Natarajan

.. Petitioner

/versus/

1.The Additional Chief Secretary,
Government of Tamil Nadu,
Home Department, Secretariat,
Chennai 600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.

3.The Superintendent of Police,
Villupuram District,
Villupuram.

4.The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.

5.Mr.Shankar, DSP,
Now retired,
Villupuram Sub Division,
Villupuram.

6.Mr.Kanagesan, Now retired,



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Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.

.. Respondents

Writ Petition has been filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus to direct the respondents 1 to 4 to consider the representation of petitioner dated 31.03.2024 and to award compensation of Rupees One Crore to the petitioner to the cruelties inflicted upon him.

For Petitioner	:Mr.P.Pugalenth
For R1 to R4	:Mr.S.Udaya Kumar
	Govt.ADvocate (Crl.Side)

ORDER

The petitioner is the named accused in Crime No.1022 of 2019 dated 07.12.2019. He was suspected in the criminal case and investigated for the death of one Indira. The petitioner is the husband of the deceased Indira and he had another wife by name Leela. He used to stay alternatively with two wives. It is to be noted at this juncture that the petitioner was a retired Headmaster in Government Girls Higher Secondary School, Thirukoviloor. Pending investigation, this petitioner was arrested and was in jail for about 59 days. On completion of investigation, Final Report was filed and taken up for trial in S.C.No.146



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of 2021 for the offences under Sections 498(A), 302 and 201 of IPC.

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Pursuant to the order passed by the Mahalir Neethi Mandram, Villupuram, further investigation was conducted and during the course of further investigation, it was concluded that this petitioner had no role in the murder of Indira. Two other persons were subsequently arrested and stolen jewels were recovered from them.

2. The petitioner herein is before this Court seeking compensation from the Government for being falsely implicated in the criminal case and detained in prison for 59 days. Contending that the fundamental right has been deprived by the wrongful arrest and that he had put to mental torture by the false acquisition, he seeks Rs.1 crore as compensation from the State.

3. The learned counsel appearing for the petitioner submitted that the departmental enquiry was conducted in this regard, The Director General of Police, vide proceedings dated 26.06.2023 has held that the charge against Mr.Sankar, the 5th respondent, DSP that he had not properly investigated, is proved. However, considering the explanation



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given by him, lenient punishment of 'censure' has been imposed.

Therefore, the counsel contended that the lapse on the part of respondents 5 and 6 has led to the illegal arrest of the petitioner and for the mental agony, the petitioner has to be compensated by the State by awarding a sum of Rs.1 crore.

4. The learned counsel appearing for the petitioner also rely upon the Order of the Madurai Bench of Madras High Court in *W.P.(MD)Nos.21495 & 21496 of 2016, dated 02.12.2022(V.N.Raja Mohamed v. The Secretary to Government of Tamil Nadu and others)*, wherein the learned Singal Judge of this Court has directed the State to pay compensation by referring the judgment of the Hon'ble Supreme Court in *Bhim Singh v. State of Jammu and Kashmir and others* reported in [(1985) 4 SCC 677]; *S.Nambi Narayanan v. Siby Mathew and others etc., and Radul Sah v. State of Bihar* reported in [AIR 1983 SC 1086].

5. This Court, on perusing the Order rendered by the learned Single Judge in *V.N.Raja Mohamed v. The Secretary to Government of Tamil Nadu and others* cited supra, finds that the order relied by the



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learned Single Judge and the facts of the case in which the compensation was awarded by the learned Single Judge, cannot be parallel with the facts of the case in hand. This Court finds that Venkatesan, the brother of the deceased Indira has set the criminal law into motion naming the petitioner as the accused. The preliminary investigation has also led to suspect this petitioner as perpetrator of the crime. At that time, he was arrested and later released on bail. No doubt, the petitioner claims that he had received Dr.Radhakrishnan Award from the Government of Tamil Nadu and Best Teacher Award from the Government of India. At the same time, he does not deny the fact that he had solemnised a second marriage with one Leela and had a separate house with her, which is on the face of the record a misconduct of a government servant and he was accused for murder by his own brother-in-law.

6. Therefore, soon after the incident, when the needle of the suspension and the complaint was against this petitioner, the police has acted on the information received and arrested him. Later, in the course of investigation, it has been found that the perpetrator of the crime is



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somebody else and they were arrested and from them stolen jewels were also recovered. Thereafter, the prosecution has filed final report against two accused viz., Viswanathan and Prasanna Venkatesh and proceeded against them. Meanwhile, the department has also taken note of the fact that the petitioner was arrested by the respondents 5 and 6 on suspicion which later found to be false, called for their explanation. Considering their explanation, punishment of censure has been imposed on them by the Director General of Police vide proceedings, dated 26.06.2023.

7. The point for consideration is whether the act of the State through their police warrants payment of compensation to the petitioner herein. While perfunctory investigation has been done and the person is maliciously prosecuted, for such malicious prosecution, the State is liable to pay compensation for the injury caused. At the same time, the State has to maintain law and order and prevent crime through its police force. If every acquitted accused seek compensation from the State, at some point of time, the State will get paralysed. It is expected from the Investigating Officer to look into the fact, whether at the time of arrest sufficient material is available to suspect the accused and whether his



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detention is required.

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8. In this case, initially when the complaint was given by the brother of the deceased naming the petitioner as the suspected accused, as a police officer, the fifth respondent has thought fit that the arrest of the petitioner is required, pending investigation. Later, on collecting materials and further investigation, the investigation has lead to two other persons and they were arrested. Jewels stolen of Indira also been recovered.

9. The records does not indicate any malice intention on the part of the investigation team, when they registered the complaint at the behest of one Venkatesan, who is the brother of the deceased. In such circumstances, the Court cannot compel the State to pay compensation for its official discharge of duty. At the time of arrest of the petitioner, there was sufficient reasons to suspect him, later, after investigation it has been found that he is not the person who murdered Indira and his name been dropped.



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10. In such circumstances, if at all the petitioner has any grievance, it can be only against Venkatesan. He can only seek compensation against the defacto complainant, Venkatesan, who has named him as the suspect and based on his complaint, the criminal law was set into motion. In fact, it is the defacto complainant, who diverted the police line of investigation. Hence, the State cannot be held responsible. Hence, this Writ Petition stands dismissed. No costs.

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Index:yes/no
Neutral Citation:yes/no
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To:

1.The Additional Chief Secretary, Government of Tamil Nadu,
Home Department, Secretariat, Chennai 600 009.

2.The Director General of Police, Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.



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3.The Superintendent of Police, Villupuram District, Villupuram.

4.The Inspector of Police, Villupuram Taluk Police Station,
Villupuram.

5.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

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