



W.P.(MD).No.31266 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.12.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.31266 of 2023

I.Mohamed Yusuf

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Virudhunagar.
- 2.The State, Represented by
Inspector General of Police,
South Zone, Madurai.
- 3.The Deputy Inspector General of Police,
Madurai Zone, Madurai.
- 4.The Superintendent of Police,
Superintendent of Police Office,
Virudhunagar District.
- 5.The Sub-Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.
- 6.Henry Amaldoss (In-Personal capacity)
The Sub-Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.



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7.Balakrishnan (In-Personal capacity)
The Sub-Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.

8.Muniyandi (In-Personal capacity)
The Sub-Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.

9.Kalai Muthaiah (In-Personal capacity)
The Sub-Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 2 to 4 to give Rs.5,00,000/- compensation to the petitioner on the basis of the petitioner's representation, dated 08.09.2023 within the time frame fixed by this Court.

For Petitioner : Mr.K.Gokul

For R-1 : Mr.M.Muthumanikkam
Government Advocate (Crl. side)

For R-2 to R-5 : Mr.S.Ravi
Additional Public Prosecutor

For R-6 to R-9 : Mr.M.Boopathy Pandian



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ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents 1 to 4 to pay compensation of a sum of Rs.5,00,000/- for malicious prosecution of the petitioner.

2.Heard Mr.K.Gokul, learned counsel appearing for the petitioner, Mr.M.Muthumanikkam, learned Government Advocate (Crl. side) appearing for the first respondent, Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondents 2 to 5 and Mr.M.Boopathy Pandian, learned counsel appearing for the respondents 6 to 9.

3.In the considered view of this Court, the grievance expressed by the petitioner can never be decided in the writ petition. The plea of malicious prosecution has to be established only before the competent civil Court. It requires letting in evidence and the Court has to decide as to whether the prosecution of the aggrieved person had an element of malice behind it. To arrive at that finding, evidence has to be appreciated.



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That process cannot be undertaken in a writ petition. The law on this issue is now too well settled.

4.In view of the above discussions, it is left open to the petitioner to work out his remedy before the competent civil Court and seek for compensation, if the petitioner is of the view that there was malicious prosecution of the petitioner in three criminal cases, where the petitioner was ultimately acquitted in all those cases.

5.This Writ Petition is disposed of in the above terms. No costs.

05.12.2024

Index : Yes/No

Internet : Yes/No

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To

1.The District Collector,
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2.The Inspector General of Police,
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3. The Deputy Inspector General of Police,
Madurai Zone, Madurai.

4. The Superintendent of Police,
Superintendent of Police Office,
Virudhunagar District.

5. The Sub-Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH.J.,

sjj

**Order made in
W.P.(MD).No.31266 of 2023**

Dated : 05.12.2024