



W.P.No.1532 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM:

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

W.P.No.1532 of 2023

Jiji Mathew

... Petitioner

Vs.

1. The Home Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2. The Director General of Police,
State of Tamil Nadu,
Mylapore,
Chennai – 600 004.

3. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.

4. The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.

5. T.Savarinathan
Then Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.

6. K.Selvaraj

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the fifth respondent for malafide prosecution and also pay a sum of Rs.50,00,000/- as a compensation for all the shame, public humiliation, financial, physical and mental sufferings since 19th September 2009, based on the representation of the petitioner dated 26.10.2022.

For Petitioner : Mr.D.Ashok Kumar

For Respondents

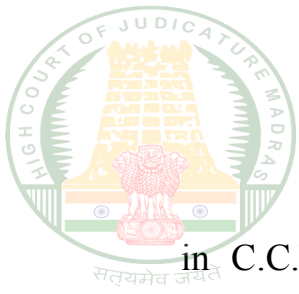
For R1 : Mr.P.Balathandayutham
Special Government Pleader

For R2 to R4 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This writ petition has been filed for direction to the respondents 1 to 3 to take appropriate action against the fifth respondent for malafide prosecution.

2. On the complaint lodged by the sixth respondent, the fifth respondent registered a FIR in Crime No.528 of 2009 for the offences punishable under Section 336, 427, 294(b), 506(i) of IPC and Section 3 of TNPPDL Act, as against the petitioner. After completion of investigation, the fourth respondent filed final report and the same has been taken cognizance



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in C.C.No.1833 of 2010 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, as against the petitioner. Subsequent, the petitioner filed quash petition before this Court in Crl.O.P.No.5452 of 2011 and this Court by an order dated 13.12.2019, quashed the entire proceedings after considering the ingredients of the offence by observing that it is a parking dispute between the petitioner and sixth respondent. After quashing the criminal proceedings, now the petitioner filed the present writ petition to take appropriate action as against the fifth respondent for malafide prosecution.

3. This Court, while quashing the criminal proceedings, never held that it is a malafide prosecution. Only considering the facts and circumstances of the case and to met the ends of justice quashed the proceedings. Therefore, it cannot be said that the fifth respondent initiated malafide prosecution as against the petitioner. Therefore, the directions sought for in this writ petition cannot be granted and the writ petition is devoid of merits and liable to be dismissed.

4. Accordingly, the Writ Petition stands dismissed. There shall be



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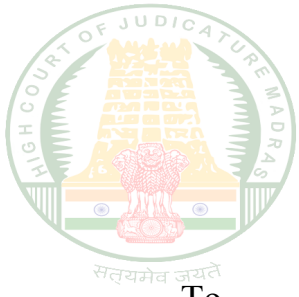
no order as to costs.

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06.02.2025

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order

rts



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To
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2. The Director General of Police,
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4. The Inspector of Police,
H-3, Tondiarpet Police Station,
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5. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J.

rts

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