

CRP(MD), No.1851 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.1851 of 2025 and
CMP(MD) No.10237 of 2025**

1. Sub Inspector of Police,
Thangachimadam Police Station,
Rameshwaram Taluk
Ramanathapuram District

2. The Inspector of Police,
Thangachimadam Police Station,
Rameshwaram Taluk
Ramanathapuram District

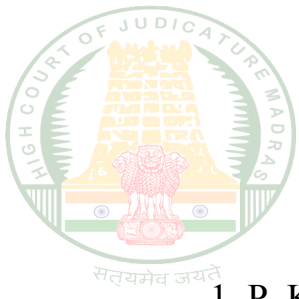
3. Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Rameshwaram

4. Superintendent of Police,
Office of the District Superintendent of police
Rameshwaram

5. The District Collector
Office of the District Collector
Ramanathapuram

... Petitioners

Vs



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1. P. Kathirasan,
S/o. Periya Karuppa Konar,
Peikarumph Village,
Thangachimadam (Via)
Rameshwaram Taluk
Ramanathapuram District.

2. S.Karunanithi,
S/o. Sonai Muthu,
Aranmanai Siru Vayal,
Karaikudi Taluk,
Sivagangai District..

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India to set aside the order dated 20.01.2025 passed in IA No.1 of 2023 in OS No.285/2023 on the file of the Sub Court, Ramanathapuram by allowing the Revision Petition.

For Petitioners : Mr.B.Saravanan
Additional Government Pleader
For Respondents : Mr.G.Thalaimutharasu for R2
Mr.P.Edin Brough for R1

ORDER

This Civil Revision Petition is filed challenging the order dated 20.01.2025 passed in IA No.1 of 2023 in OS No.285/2023 on the file of the Sub Court, Ramanathapuram.



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2. The facts that are necessary for the disposal of the case in nutshell is as follows:

The first respondent instituted the suit in OS No.285/2023 for damages claiming compensation of Rs.10 lakhs from the petitioners/defendants along with 6% interest. Pending suit, the petitioners/defendants filed IA No.1/2023 under Order VII Rule 11(a) of the Code of Civil Procedure to reject the plaint. However, the said application was dismissed. Challenging the same, the petitioners are before this Court.

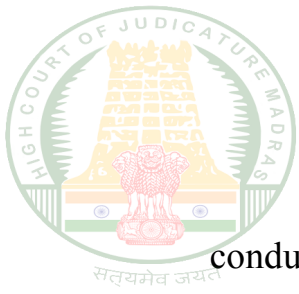
3. The learned Additional Government Pleader would submit that the first petitioner, who is the Sub Inspector of Police, registered a criminal case against the first respondent/plaintiff on the basis of the complaint given by the 2nd respondent/first defendant and the 2nd respondent filed a petition under Section 482 Cr.P.C. in CrI.O.P(MD) No.14843/2015 and this Court, vide order dated 31.07.2015, issued a direction to the 2nd respondent to appear before the first petitioner and if any cognizable offence is made out, a direction was issued for registration of the case against the first respondent. Pursuant to which, a



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case in Crime No.63/2015 was registered by the first petitioner against the plaintiff/first respondent and the first respondent has also obtained anticipatory bail. The first petitioner conducted investigation and filed charge sheet in C.C.No.129/2016 and the same was ended in acquittal against the first respondent by giving benefit of doubt by holding that the prosecution has not proved the case beyond reasonable doubts.

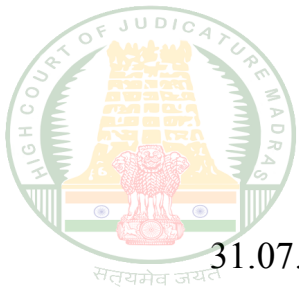
4. The learned Additional Government Pleader would further submit that though some allegations were made against the first petitioner as if the first petitioner has conducted malicious prosecution against the first respondent/plaintiff in which petitioners 2 to 5 have no way connected with the criminal case registered against the first respondent, he would submit that the petitioners 2 to 5 are unnecessarily included in the said proceedings. It is his further submission that even the first petitioner is duty bound to register any case and that too, pursuant to the directions of this Court, the case was registered and hence, it is not to be stated that investigation is malicious. In order to substantiate the same, the learned counsel has contended that as per Section 52 of IPC in discharge of his official duty, the first petitioner has



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conducted the investigation. When the case was registered pursuant to the directions of this Court and the criminal case was ended in acquittal and hence, it does not mean the investigating officer has conducted malicious investigation and he could be subjected for harassment by filing civil suit. He would further submit that if at all any action/suit is to be taken, it should be taken only against the first petitioner alone and since the others petitioners have nothing to do with the investigation, the inclusion of the other petitioners is per se illegal. Hence, the learned Additional Government Pleader prays for interference.

5. Per contra, the learned counsel for the first respondent would submit that admittedly, there was a property dispute between the first respondent/plaintiff and the 2nd respondent/defendant, for which, the first respondent rightly filed a suit for injunction and the trial Court has also ordered for status quo and the suit is pending as on date. In the meanwhile, a complaint has been given by the 2nd respondent against the first respondent/plaintiff before the 1st petitioner and since no action was taken, the defendant filed a petition under Section 482 Cr.P.C. in CrI.O.P.(MD) No.14543/2015 and this Court issued a direction on



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31.07.2015 to the 2nd respondent to appear before the first petitioner and if any cognizable offence is made out, directed the first petitioner to register an FIR. Accordingly, the complaint was received and a case was registered, however, the case was ended in acquittal. Since the registration of the complaint and the subsequent acquittal would go to show that it is a fit case for initiation of malicious prosecution, suit has been instituted and hence, it is a matter of trial and at the threshold, the plaint cannot be rejected. He would further submit that since the supervising authorities has not properly supervised and the lapse in supervision would lead to registration, investigation of criminal case and the ordeal of trial undergone by the first respondent and the acquittal will lead to filing of the suit and hence, initiation of malicious prosecution against the petitioners 2 to 5 is just and proper and hence, the learned counsel prays for dismissal.

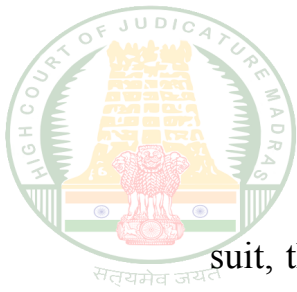
6. I have considered the rival submissions and perused the materials available on record.



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7. In the case on hand, as rightly pointed out by the learned Additional Government Pleader, the case was registered against the first respondent/plaintiff as per the order of this Court. Pursuant to the complaint given by the 2nd respondent before the 1st petitioner and pursuant to the order of this Court alone, the first petitioner, in discharging his official duty, has rightly registered the case and hence, it is not stated to be perverse or malicious. It is also to be noted that upon the complaint registered, the first petitioner has rightly investigated and filed a charge sheet and hence, it is also not stated to be against law. It is also to be noted that the first respondent has also been acquitted from the said case after trial. Hence, the case was rightly registered and it was investigated, charge sheet filed and trial has completed and subsequently, the first respondent has been acquitted. It is to be seen that as per Order XXVII Rule 5A of the Code of Civil Procedure, where a suit is instituted against public officer for damages or other relief in respect of any act alleged to have been done by him in his official capacity, the Government shall be joined as a party to the suit. In such a case, the inclusion of the first petitioner alone could be justified. However, against the petitioners 2 to 5, since they are not necessary to be impleaded in the



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suit, the plaint in respect of the petitioners 2 to 5 is ordered to be struck off against the petitioners 2 to 5.

8. For all these reasons, against the first petitioner, the Civil Revision Petition is dismissed. However, against the petitioners 2 to 5, the Civil Revision Petition is allowed. It is made clear that this Court has not expressed any opinion in respect of the first petitioner and the first petitioner is individually face the suit in the manner known to law.

9. With the above observation and direction, the Civil Revision Petition is allowed in part. No costs. Consequently connected Miscellaneous Petition is closed.

05.08.2025

NCC : Yes/No
Index : Yes/No
RR



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4. Superintendent of Police,
Office of the District Superintendent of police
Rameshwaram
5. The District Collector
Office of the District Collector
Ramanathapuram
6. VR Section
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
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