



W.P.(MD) No.26630 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.12.2025**

**CORAM**

**THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY**

**W.P.(MD)No.26630 of 2023**

P.Velmurugan

... Petitioner

Vs

1.State of Tamil Nadu,  
Rep by its Secretary Home,  
St.George Fort,  
Chennai-600 009.

2.The District Collector,  
Theni District,  
Theni.

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

4.Mr.Silaimani

5.Mr.Diwan Maytheen

6.Mr.Sathish

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2<sup>nd</sup> Respondent to provide the compensation a sum of Rs.40,00,000/- to the Petitioner jointly and separately liable and pass such further or other orders.



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For Petitioner : Mr.K.Prabakaran  
For Respondents : Mrs.K.Malathi  
Addl.Govt. Pleader for R1 & R2

## **ORDER**

This Writ Petition is filed seeking a Mandamus as against the 2<sup>nd</sup> Respondent to provide the compensation of a sum of Rs.40,00,000/- jointly and separately liable to the Petitioner.

2. According to the petitioner, the respondents 4 to 6 have instituted a false case against the petitioner and the same was taken on file in C.C.No.172 of 2021 on the file of the 2<sup>nd</sup> Additional Special Court for NDPS Act Cases, Madurai. After completing trial, the petitioner was acquitted from the said case. Due to the registration of a false case, he had confined in Madurai Central Prison for 27 months. Due to the illegal detention, he had lost his job and he was not able to get a new job. He was affected physically and mentally due to the illegal detention. Therefore, the petitioner made a representation on 09.07.2023, seeking to pay the compensation for registering the false case against him. Since the same was not considered, the petitioner has approached this Court by filing this Writ Petition.



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3. The learned Additional Government Pleader appearing for the respondents 1 and 2 submits that in the judgment in C.C.No.172 of 2021, the trial Court, while acquitting the petitioner, directed the Superintendent of Police, Theni District to take appropriate Departmental action against the erring officials for not conducting the investigation properly. He would further submit that if the petitioner feels that a criminal case is falsely foisted against him, the petitioner can file a complaint against those persons under Section 248 of BNSS Act, with regard to the malicious prosecution. Hence, she prays for dismissal of the Writ Petition.

4. Considering the facts and circumstances of the case, this Court is of the view that in the present case, a false complaint case been registered against the petitioner and same was taken on file in C.C.No.172 of 2021. After conducting trial, the trial Court has acquitted the petitioner. It appears that investigation has not been conducted properly and that is the reason why the trial Court had acquitted the petitioner and directed the Superintendent of Police, Theni District to take appropriate Departmental action against the erring officials for not conducting the investigation properly. Therefore, the petitioner is not entitled for



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compensation for mental agony and pain and sufferings. However, even assuming, if there is any malicious prosecution, the right Course available to the petitioner is only to file a complaint under Section 248 of BNSS against the erring officials. In that course, if the petitioner can establish that he suffered mental agony, certainly he is entitled for compensation. All those facts can be decided only after conducting thorough trial not by way of seeking a mandamus under Article 226 of the Constitution of India. Hence, I do not find any merit in this Writ Petition and the same is liable to be dismissed.

**5.** Accordingly, this Writ Petition is dismissed and it is open to the petitioner to approach the appropriate Court. There shall be no order as to costs.

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vsm

Index : Yes/No

NCC : Yes/No



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WEB COPY

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**KRISHNAN RAMASAMY, J.**

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