



**WP(MD). No.7689 of 2024**

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

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**Date : 10/02/2026**

**CORAM**

**The Hon'ble Mr.Justice KRISHNAN RAMASAMY**

**WP(MD). No.7689 of 2024  
and WMP(MD) No.7039 of 2024**

Krishna Kumar

... Petitioner

**Vs**

1. The Government of Tamil Nadu,  
Rep by its Principal Secretary to Government,  
Home Department,  
Fort St.George,  
Chennai..

2. The Director General of Police,  
O/o.Director General of Police, Chennai..

3. The Commissioner of Police,  
Madurai.

4. The Inspector of Police,  
S.S.Colony Police Station, Madurai..

... Respondents

**PRAYER :-**Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pay compensation of Rs.50 Lakhs to the petitioner for registering false case under NDPS Act leading to wrongful incarceration of 53 days, in the light of Inspector General of Police South Zone report



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dated 20.06.2023 within the period that may be stipulated by this Court.

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For Petitioner : Mr.K.Althaf Sheriff  
for M/s.Ajmal Associates

For Respondents : Mr.A.Oliraja for R1  
Government Advocate  
Mr.A.Albert James for R2 to R4  
Government Advocate (Crl. Side)

### **ORDER**

This writ petition has been filed for a mandamus directing the respondents to pay compensation of Rs.50 Lakhs to the petitioner for registering false case under NDPS Act leading to wrongful incarceration of the petitioner for a period of 53 days, in the light of the report of the Inspector General of Police South Zone dated 20.06.2023.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the official respondents.

3. The learned counsel for the petitioner would submit that in the present case, the petitioner was falsely implicated in NDPS cases and subsequently the said FIR was quashed by this Court, which itself shows that the entire allegations levelled against the petitioner was found to be



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false. Hence, the learned counsel would submit that for the malicious prosecution done, the petitioner is entitled for compensation as per the Code of Criminal Procedure.

4. However, the learned Government Advocate would submit that on the basis of the information obtained by them, FIR came to be registered and charge sheet filed, which was subsequently quashed by this Court. Against the said order, SLP also filed and the same is pending. If at all the petitioner intends to establish malicious prosecution, he can initiate proceedings under Section 248 of the BNS and not by way of invoking the writ jurisdiction under Article 226 of the Constitution of India. When disputed questions of facts are involved, it cannot be decided in a writ petition. Hence, he prays for dismissal.

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

6. Considering the submissions made on either side, it is seen that admittedly the 4<sup>th</sup> respondent initiated prosecution against the petitioner



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and charge sheet has been filed, which was subsequently quashed by this Court. Against the said quashment, SLP was filed before the Hon'ble Supreme Court, which ended in favour of the petitioner and the same had attained finality. With the available materials, when they have filed charge sheet, the onus is on the petitioner to prove the same before the trial Court. However, in the present case, the charge sheet has been quashed.

7. In order to prove that the allegation against the petitioner is false and there is malicious prosecution, it is to be proved by adducing necessary evidence on the side of the petitioner before the trial court. It is also to be noted that in the event of malicious prosecution, it is for the petitioner to file a complaint under the provisions of BNS. Without doing so, filing writ petition for issuance of mandamus to direct the respondents to pay compensation for malicious prosecution is not maintainable. Unless and until the evidence adduced and substantiated, the Court cannot come to the conclusion that the prosecution is malicious one. When the disputed questions of facts are involved, the same is to be adduced by preferring proper complaint before the competent court and



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filing a writ petition is not proper. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

**10.02.2026**

**NCC : Yes/No**

**Index : Yes/No**

**RR**

**To**

1. The Principal Secretary to Government,  
Home Department,  
Fort St.George,  
Chennai..

2. The Director General of Police,  
O/o.Director General of Police,  
Chennai..

3. The Commissioner of Police,  
Madurai.

4. The Inspector of Police,  
S.S.Colony Police Station, Madurai..



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**KRISHNAN RAMASAMY, J**

**RR**

**ORDER  
IN  
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