



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.A(MD)No.934 of 2015 against W.P.(MD)No.10223 of 2015

and

W.M.P.(MD) Nos.1 and 2 of 2015

M.Saravanan

... Appellant/Petitioner

Vs.

The Superintendent of Police,
Theni District.

... Respondent/Respondent

PRAYER: This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 23.06.2015 made in W.P.(MD) No.10223 of 2015 on the file of this Court and the impugned charge memo of the respondent in Na.Ka.No.F1/Tha.Pa.14/2015 Rule 3(b) dated 03.03.2015.

Prayer in WP(MD). 10223/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the records relating to the impugned charge memo of the respondent in Na.Ka.No.F.1/Tha.Pa.14/2015 Rule 3(b) dated 3.3.2015 quash the same.

For Appellant : Mr.K.Appadurai

For Respondent : Mr.T.S.Mohameed Mohideen
Additional Government Pleader.

J U D G M E N T

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The unsuccessful writ petitioner is on appeal challenging the order dated 23.06.2015 made in WP(MD)No.10223 of 2015.

2.The appellant herein was working as Police Constable and he was implicated in a criminal case. According to the appellant, he was having a civil dispute with the complainant. In fact, he is a victim. He had suffered grievous injuries on his body. Crime No.512 of 2014 was registered following the attack on the appellant. As a counter blast Crime No.513 of 2014 was registered against the appellant. According to him, without taking note of all these aspects, the respondent had issued the impugned charge memo dated 03.03.2015. The same should be quashed in the interest of justice.



3. Even though it could be seen that the appellant had been seriously injured and Crime No.513 of 2014 was registered after Crime No.512 of 2014 was registered at the instance of the appellant herein, we are not in a position to interfere with the order dismissing the writ petition filed by the appellant herein. This is because a charge memo can be quashed only on certain limited grounds. If the charge memo has been issued by an authority without jurisdiction, this Court can certainly interfere. Similarly if the charges are vague or if the acts of appellant did not amount to be mis-conduct, then also relief can be granted.

4. The case of the appellant does not fall within those categories. Therefore this writ appeal is dismissed and the order passed by the learned Single Judge is confirmed. However, we direct the respondent to expedite the enquiry and it is open to the appellant herein to take all the defences that are available to him and establish his innocence and obtain exoneration from the charges.

5. This writ appeal is dismissed with the above said observation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

The Superintendent of Police,
Theni District.

+1cc to M/S.K.APPADURAI, Advocate SR.No.71406

skm

MAS/KK/SAR2:20.09.2017:2P-3C

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