



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.11212 of 2017

and

W.M.P. (MD) No.8602 of 2017

M.Selvakumar

... Petitioner

Vs.

1.Office of the Commandant,
Tamil Nadu Special Police,
VI Battalion, Madurai-14.

2.The Assistant Commandant III,
Tamil Nadu Special Police,
VI Battalion, Madurai-14.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 1st respondent in his proceedings C.No.E1/4602/2017, B.O.No.737/2017 dated 30.05.2017 and quash the same and further direct the 1st respondent to allow the petitioner to continue to be in service.

For Petitioner : Mr.PT.S.Narendravasan

For Respondents : Mr.R.Karthikeyan

Additional Government Pleader

O R D E R

The petitioner challenging the impugned proceedings dated 30.05.2017 vide C.No.E1/4602/2017, B.O.No.737/2017 passed by the first respondent and further to direct the first respondent to allow the petitioner to continue to be in service.

2.Heard Mr.PT.S.Narendravasan, learned counsel appearing for the petitioner and Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondents.

3.By consent of both sides, this writ petition itself is taken up for final disposal.

4.The petitioner while serving as Police Constable Grade-II, his wife left her matrimonial home on 30.06.2015. While she was living with her parents, there was exchange of legal notice between them. While so, on 24.02.2015, his wife committed suicide in her parental home. The said finding was also recorded by this Court in Crl.O.P.No.7798 of 2016 dated 11.05.2016, while granting anticipatory bail to the petitioner. Taking into account the



criminal case the petitioner was placed under suspension on 30.05.2017 by the first respondent in his proceedings C.No.E1/4602/2017, B.O.No.737/2017, hence, the present writ petition is filed.

5.The petitioner is serving as Grade-II Police Constable from 2010. The marriage of the petitioner solemnised on 03.04.2015, and his wife was a Teacher working at Government High School, Pudukkottai. Thereafter, there was difference of opinion between the petitioner and his wife. Hence, the petitioner's wife left her matrimonial home. While staying with her parents, there was exchange of notices between the petitioner and his wife. While so, she committed suicide in her parental home on 24.12.2015, resultantly, her father gave a police complaint which was registered in Crime No.942/2015 against the petitioner and his family members. When the petitioner's wife abandoning the matrimonial home, stayed with her parents and committed suicide in her parental home, it is not known how the petitioner can be held responsible in a criminal case filed for suicide of his wife, without sufficient evidence. Nobody knows the cause of suicide whether it is because of the parents or the petitioner, therefore, placing the petitioner under suspension is highly far from acceptance, hence, the impugned order of suspension suspending the petitioner in view of registration of criminal case registered with respect to the suicide committed by the petitioner's wife is unsustainable.

6.Hence, the impugned order dated 30.05.2017 passed by the first respondent, is hereby set aside and the writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Commandant,
Office of the Commandant,
Tamil Nadu Special Police,
VI Battalion, Madurai-14.
- 2.The Assistant Commandant III,
Tamil Nadu Special Police,
VI Battalion, Madurai-14.

+1cc to Mr.PT.S.Narendravasan Advocate in SR. NO.65111

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. NO.65611

PSD/NS

JS/SKN.RSK/SAR.3/4.8.2017/2P-5C

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and

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