

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.3426 to 3428 of 2018

M.Selvaraj ...Petitioner in W.P.3426/2018  
K.Ravikumar ...Petitioner in W.P.3427/2018  
C.Antony Saminathan ...Petitioner in W.P.3428/2018

Versus

1. The Superintendent of Police,  
Cuddalore District,  
Cuddalore.
2. The Inspector of Police,  
Cuddalore NT Police,  
Cuddalore District. .... Respondents in all W.Ps.

Prayer: Writ petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to consider the petitioners representations dated 08.01.2018 within a time frame fixed by this Court.

For Petitioners : Mr.K.Gandhikumar  
For Respondents : Mr.V.Jayaprakash Narayanan,  
Special Government Pleader

O R D E R

The Writ Petitions have been filed seeking to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to consider the petitioners representations dated 08.01.2018 within a time frame fixed by this Court.

2. Learned Counsel for the petitioners submitted that while the petitioners in the Writ Petitions, namely, W.P.Nos.3426 and 3427/2018 were working as Head Constables whereas the petitioner in W.P.No.3428/2018 was working as a Grade II Police Constable/Driver, they were all suspended by an order dated 3.6.2017 of the 1<sup>st</sup> respondent on the ground that an enquiry into grave misconduct is under contemplation against them for their high handed behaviour of having intercepted a bus towards Cuddalore on 2.6.2017 around 7.00 p.m. at Alpet Check Post and picked up one Jalal who was in possession of

Rs.50,00,000/- and demanded Rs.20,00,000/- and since the said Jalal refused to pay the money demanded, the petitioners forcibly took Rs.20,00,000/- from Jalal's bag and hidden the bag in a bush near the check post and their dishonest attitude brought disgrace to the police force in the minds of the public which has been telecasted in the social media. The learned Counsel for the petitioner submitted that though such allegations have been levelled against them, no complaint has been received so far in respect of the alleged incident.

3. Heard the learned Special Government Pleader appearing for the respondents.

4. All these petitioners are working as Head Constables in District Prohibition Wing, Cuddalore. While they were on duty on 02.06.2017, they intercepted a bus coming from Pondicherry to Cuddalore at Alpet Check-Post around 7 p.m., whereby they have found one Jalal, who was having possession of Rs.50,00,000/- and it is also stated that they have demanded a sum of Rs.20,00,000/- illegally. Since the said Jalal refused to pay the said demanded sum, the petitioners jointly snatched away the said bag and thrown the same into the bush, near the said check post. Such an incident was also brought to the notice of the Superintendent of Police, Cuddalore. As the petitioners have misused their powers by resorting to highway robbery, the Superintendent of Police has rightly placed them under suspension.

5. In my view, if these types of Head Constables are allowed to continue in service, the same would demoralize the honest policemen and it would be an offence against the whole of society as well. The police is expected to protect the people and not to loot the people. I do not understand as to how a person, who has committed a robbery, can be allowed to continue in service. Therefore, the Superintendent of Police, Cuddalore, is hereby directed not to revoke the suspension order till the criminal case or departmental proceedings is over.

6. With the above observations, the Writ Petitions are dismissed. No costs.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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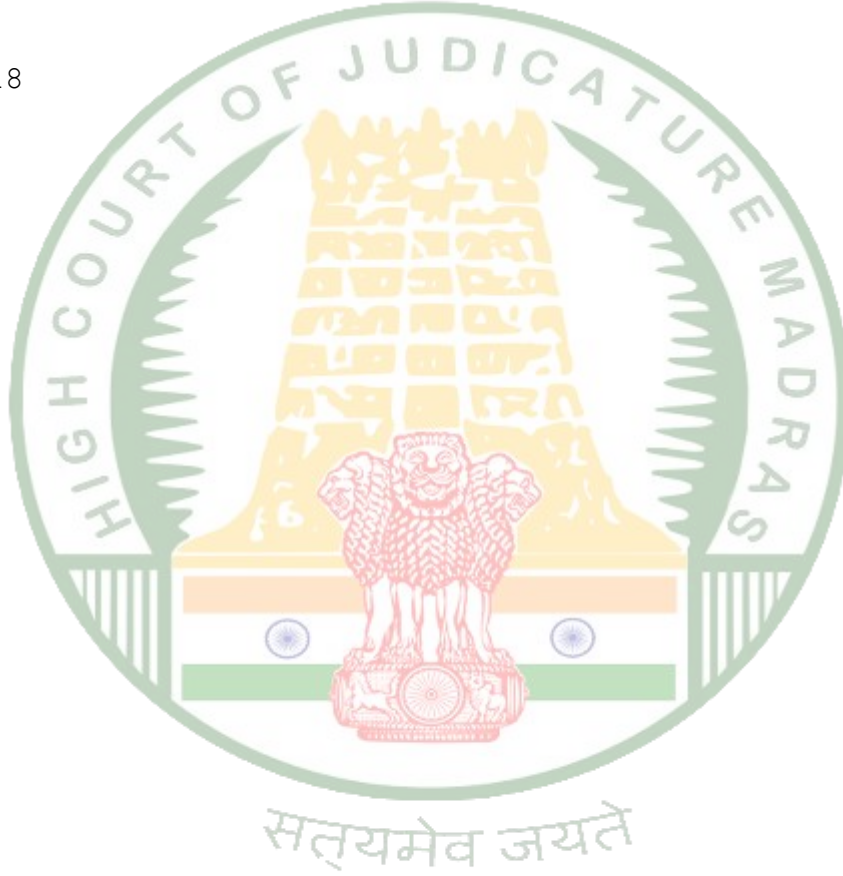
To

1. The Superintendent of Police,  
Cuddalore District, Cuddalore.
2. The Inspector of Police,  
Cuddalore NT Police, Cuddalore District.

+3ccs to Mr.K.Gandhikumar, Advocate, S.R.No.11989 to 11991  
+1cc to the Government Pleader, S.R.No.15914

W.P.Nos.3426 to 3428 of 2018

KK(CO)  
CS/21/03/18



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