

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.01.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.107 of 2018

A.Firoz

...Petitioner

Versus

1. The Superintendent of Police,
Erode District.

2. The Deputy Inspector General of Police (DIG),
Coimbatore Range, Coimbatore.

3. A.R.Amanulla

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent, namely, the Deputy Inspector General of Police, Coimbatore, to expedite and speedy disposal of the departmental proceedings initiated against the 3rd respondent in Na.Ka.No.J1/tha.pa.No.6/2017 under Rule 3(A) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, dated 12.01.2017, as early as possible, preferable within three months by considering the petitioner's representation dated 21.12.2017.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

The Writ Petition has been filed by the petitioner, who claims to be the legally wedded wife of A.R.Amanulla, the 3rd respondent herein and who is at present serving as Sub-Inspector of Police in Armed Reserve, Erode, seeking Mandamus, directing the 2nd respondent to complete the departmental proceedings initiated against the 3rd respondent in Na.Ka.No.J1/tha.pa.No.6/2017 dated 12.01.2017, as early as possible, preferable within three months by considering her representation dated 21.12.2017.

2. Learned Counsel for the petitioner submits that the petitioner is the legally wedded wife of the 3rd respondent, who is now serving as Sub-Inspector of Police in Armed Reserve, Erode. The marriage between the petitioner and the 3rd respondent took place on 25.11.1988 at Srinivasapuram Municipal Kalyana Mandapam, Coimbatore, as per the customary practice prevailing in Muslim Community. At the

time of marriage, the parents of the petitioner gave 20 sovereigns of gold jewels, Rs.10,000/- in cash and household articles worth about Rs.30,000/- to the newly wedded couple. After consummation of the marriage, she has given birth to two male children, the first child was born on 18.3.1990 whereas the 2nd child was born on 5.11.1991 at G.Kuppuswamy Naid Hospital, Coimbatore. But, within few months of the marriage, the 3rd respondent started showing his hostile attitude towards the petitioner by abusing and teasing her with filthy language. Finally, it was found that he is having close intimacy with another lady, namely, Bubaitha. In view thereof, the petitioner lodged a complaint against the 3rd respondent before the learned Judicial Magistrate No.II, Coimbatore, who directed the All Women Police Station (Central), Coimbatore to conduct an enquiry and register a case. Accordingly, after enquiry, a F.I.R. was also registered against the 3rd respondent in Crime No.61/2004 for an offence under Section 498-A of IPC. Thereafter, the 3rd respondent was issued with a charge memo dated 12.1.2017 by the 2nd respondent. But till date the 2nd respondent has not completed the enquiry. Therefore, the 3rd respondent has gone to the extent of not showing her name as nominee in his Service Register. In this regard, the petitioner has given a representation dated 21.12.2017 to the 2nd respondent. But, there was no response for the same. Hence, the present Writ Petition has been filed.

3. Learned Government Advocate sought for 4 months to complete the disciplinary proceedings.

4. Considering the facts and circumstances and also considering the submission made by the learned Government Advocate, this Court directs the 2nd respondent to complete the disciplinary proceedings pending against the 3rd respondent and pass appropriate orders thereon on merits and in accordance with law, by considering the representation of the petitioner dated 21.12.2017, within a period of 4 months from the date of receipt of a copy of this Order.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

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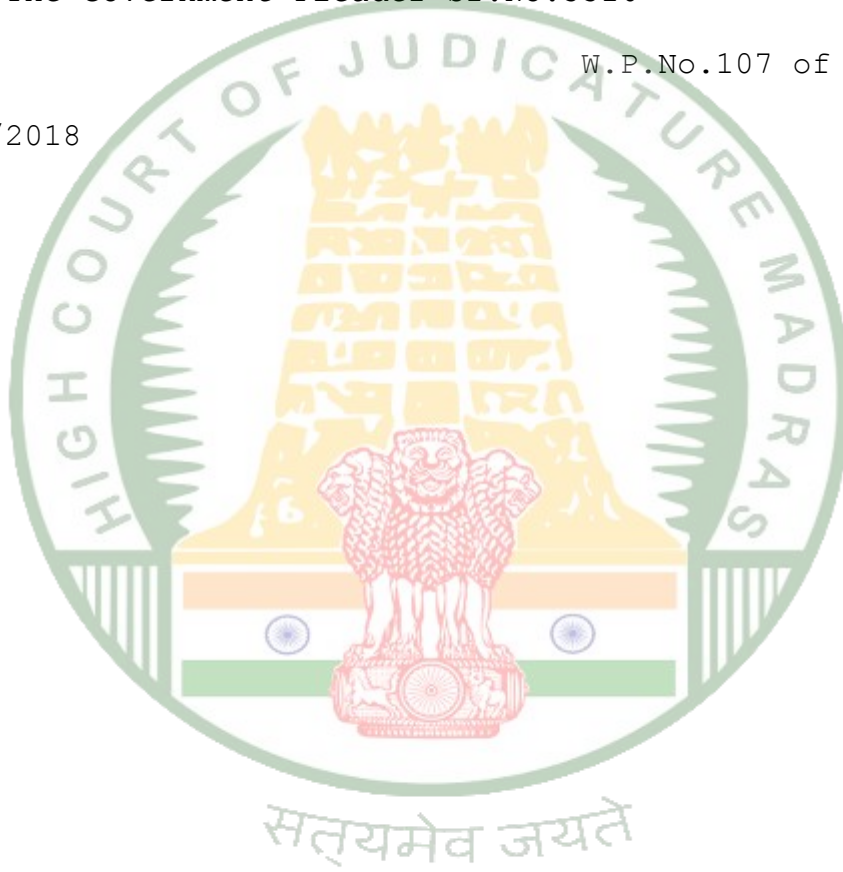
To

1. The Superintendent of Police,
Erode District.
2. The Deputy Inspector General of Police (DIG),
Coimbatore Range, Coimbatore.

+ 1 cc to Mr.SlSaravanan, Advocate Sr.No.3037
+ 1 cc to The Government Pleader Sr.No.3316

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CO (GJ)
RRI 03/02/2018



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