



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No. 3249 of 2018

and

W.M.P (MD) No. 3409 of 2018

T. Shyamala Devi

... Petitioner

**Vs.**

1. The Deputy Inspector General of Police,  
Trichy range,  
Race Course road,  
Trichy-620020.

2. The Superintendent of Police,  
District Police Office,  
Karur District.

3. The Inspector of Police,  
Thogamalai Police Station,  
Karur District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to charge memo in C.No.A4/PR No.41/2017 u/r 3(b) of TNPSS (D&A) Rules 1955 dated 03.01.2018 on the file of the second respondent and quash the same.

For Petitioner : Mr.K.Neethimohan

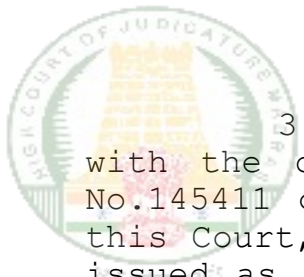
For Respondents : Mrs.S.Srimathy

Special Government Pleader

**ORDER**

The petitioner is presently working as Sub Inspector of Police, Economic Offences Wing-II, Thanthondrimalai, Karur District. In respect of the alleged omission on her part when she was Sub Inspector of Police, Thogamalai Police Station, the impugned charge memo has been issued. The charge memo is questioned on more grounds than one.

2. Heard the learned counsel for the petitioner as well as the Special Government Pleader for the respondents.



3. It is seen that when the writ petitioner was issued with the charge memo on an earlier occasion, she filed W.P.(MD) No.145411 of 2015 before this Court and by order dated 21.09.2015, this Court, quashed the said charge memo. Again, a charge memo was issued as if the writ petitioner is having an illicit relationship with one Kumaragurubaran. The said charge memo was questioned in W.P.(MD) No.14933 of 2016. This Court, by order dated 23.03.2017 allowed the writ petition and quashed the said charge memo. In fact, formal proceeding dropping the earlier disciplinary action initiated against her was issued on 02.01.2018. On the very next date, the present charge memo came to be issued. Therefore, this Court is of the view that the charge memo has not been issued in good faith. Since the writ petitioner has not arrayed the concerned authority in person, no definite findings as regards mala fides can be rendered.

4. The learned counsel appearing for the petitioner would point out that she has been transferred as many as 10 times within a period of eight months. This factor is also taken into account.

5. The sum and substance of the charge memo is that there was faulty investigation in to the four cases registered under Section 4(1)(a) of TNP Act mentioned in the charge memo. It is seen that all the four cases were charge sheeted and the accused appeared before the Court and pleaded guilty and also paid the fine amount. The writ petitioner has also stated in the explanation that the seized contraband were destroyed under cover of destruction mahazar. More than anything else, the criminal case was registered and the same attained its logical conclusion before the Criminal Court. It would not be open to the administrative authority to issue collateral proceedings in that regard. This Court can understand if there was a judgment of acquittal by the criminal Court on the ground that there were lapses in the investigation. Then it will be a different matter altogether. When the proceedings initiated against at the instance of the writ petitioner ended in conviction, there is absolutely no reason for issuing the impugned charge memo. Therefore, the charge memo impugned in this writ petition stands quashed. The writ petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Inspector General of Police,  
<https://hcservices.ecourts.gov.in/hcservices/>  
Trichy range, Race Course road,  
Trichy-620020.



2. The Superintendent of Police,  
District Police Office,  
Karur District.

3. The Inspector of Police,  
Thogamalai Police Station,  
Karur District.

+ 1 CC TO Mr.K.NEETHI MOHAN, ADVOCATE IN SR No. 55897  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 56475

RMI

TE/KKR/SAR-4 : 30/05/2018 : 3P/6C

W.P.(MD)No.3249 of 2018 and  
W.M.P(MD)No.3409 of 2018  
16.03.2018