

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.17036 of 2009

S.Pary

... Petitioner

Vs

1. Additional Director General of Police,
Office of the Additional Director General of Police,
Mylapore, Chennai-4.

2. K.Muneera Begum

3. Deputy Inspector General of Police,
Coimbatore.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, directing the 1st respondent to call for the records in RC.No.127009/Cr.IV(i)/2009 dated 30.07.2009 and quash the same since it has deviated from the original spirit of the orders of this Court in W.P.No.19663/2008.

For Petitioner :	Mr.S.V.Ramamurthy
For Respondents :	Mr.K.Ravi Kumar
1 and 3	Addl. Govt. Pleader
For 2 nd respondent:	Mr.I.G.Vasudevan

O R D E R

This Writ Petition has been directed against the impugned order dated 30.07.2009 issued by the Additional Director General of Police, Chennai, the 1st respondent herein, to quash the same as the impugned order informed that no departmental action is being initiated against the Woman Inspector K.Muneera Begum, the petitioner has come to this Court.

2. Heard the learned Counsel on either side. I have also perused the typed set of papers carefully including the impugned order.

3. A perusal of the impugned order reveals that the brother of the petitioner, namely, S.Semmel, his sisters,

namely, Painthodi and Porkodi have harassed Tmt.S.Usha w/o.S.Semmal and demanded a sum of Rs.1,00,000/- as dowry. Therefore, a Divorce Case was filed by S.Usha against her husband, namely, the brother of the petitioner. Finally, the Judicial Magistrate, Erode has ordered compensation of Rs.4,000/- p.m. being the maintenance amount to S.Usha by S.Semmal and a Criminal Case was also registered in Crime No.5/2005 on the file of the Theni Police Station for an offence under Section 498-A of IPC alleging dowry harassment against the petitioner. Citing all these above reasons, the impugned order has been passed. In the impugned order, it has also been stated that there is no scope for departmental action against the said Woman Inspector K.Muneera Begum. Moreover, it is stated that there is no material available to substantiate the allegation against the 2nd respondent herein.

4. With the above background, when the matter is called today, the learned Counsel for the 2nd respondent stated that the 2nd respondent has already retired from service on 31.10.2014. Therefore, the request of the petitioner to initiate departmental action against the 2nd respondent has become infructuous as the second respondent on attaining the age of superannuation, has already retired from service on 31.10.2014.

5. I also agree with the submission of the learned Counsel for the 2nd respondent because since the 2nd respondent has already retired from service, on attaining the age of superannuation w.e.f. 31.10.2014 A.N., there is no relationship of employer and employee between the 1st respondent and the 2nd respondent. That apart, the impugned order clearly reveals that there is no material available to initiate departmental action against the 2nd respondent.

6. In view of all the above, the Writ Petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

tsi

To

1. Additional Director General of Police,
Office of the Additional Director General of Police,
Mylapore, Chennai-4.
2. Deputy Inspector General of Police,
Coimbatore.

+1cc to the Government Pleader sr.31611

W.P.No.17036 of 2009

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