

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14933 of 2019
and
WMP.No.14900 of 2019

B.Santoshkumar

... Petitioner

Versus

1. The Joint Commissioner of police,
West zone, Greater Chennai police,
Ambathur estate, Chennai - 600 058.
2. The Deputy Commissioner of Police,
Pulianthope range,
Chennai - 600 012.
3. The Deputy Commissioner of Police,
Annanagar range,
Chennai - 600 040.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to forbear the respondents from conducting the disciplinary proceedings pursuant to the charge memo issued in Tha ko.No.20/Tha Pl 1/Mae.Ma/2019 dated nil-04-2019 pending disposal of the criminal case registered in FIR, Cr.No.1212 of 2018, dated 08.09.2018 and in FIR, Crime No.1265 of 2018 on the file of the Pallikaranai Police Station.

For Petitioner : M/s.S.Selvathirumurugan
For Respondents: Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

This Writ petition has been filed seeking to forbear the respondents from conducting the disciplinary proceedings pursuant to the charge memo issued in Tha ko.No.20/Tha Pl 1/Mae.Ma/2019 dated nil-04-2019 pending disposal of the criminal case registered in FIR, Cr.No.1212 of 2018, dated 08.09.2018 and in FIR, Crime No.1265 of 2018 on the file of the Pallikaranai Police Station.

2.The case of the petitioner is that on 18.01.2008, he was selected for appointment to the post of Sub-Inspector of Police on merits by direct recruitment in the year 2008 itself and thus he rendered 11 years of his service. On 08.09.2018, a criminal case in Crime No.1212 of 2018, under Sections 417,406,380 and 506(1) of IPC on the file of the Pallikaranai Police Station was registered against the petitioner by one Senthamarai, wife of D.Sadasivam. The complainant had informed the petitioner that her husband was forcing her to take part in politics and that though the complainant and her husband resided under the same roof, they were living separately. The petitioner, slowly under the guise of consoling the complainant, changed her mind and married her in the year 2011 by tying Thaali. Thereafter, the petitioner used to come to her residence at Erode and when the same was found out by her husband, the complainant came to Chennai and at the instance of the petitioner, the complainant filed a divorce case and maintenance case against her husband. The petitioner and the complainant had already married persons. But, the complainant had withdrawn all the cases and obtained divorce on mutual consent from her husband. Thereafter, the first respondent issued an order of suspension dated 15.09.2018. Under the suspension of more than 7 ½ months, the second respondent had issued a charge memo dated nil and the same was served on 26.04.2019. Thereafter, the petitioner submitted a representation dated 13.05.2019 to the third respondent, requesting to furnish the copies of the documents relied upon by the prosecution, since the charges framed against him are very grave in nature and the said documents were very essential for his defence. Till date no orders have been passed and no documents have been given so far. Hence, the petitioner filed the present writ petition.

3.It is stated by the learned counsel for the petitioner that the petitioner has already cross-examined PW.1 and PW.7 and now, he seeks permission to cross-examine the witnesses at least from PW.2 to PW.5. As they are very important witnesses to prove the marriage between the petitioner and the complainant.

5. In view of the limited relief sought for, this Court is of the view that it is not necessary to delve into the merits of the issue, but it would be suffice to direct the respondents to consider the representation submitted by the petitioner on 13.05.2019 and allow to cross-examine the above said witnesses and pass orders on the same within a particular time frame.

6.With the above directions, this writ petition is disposed of directing the third respondent to consider the representation of the petitioner dated 13.05.2019 as against the charge memo and to allow the petitioner to cross-examine the above said

witnesses and to pass orders thereon, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Joint Commissioner of police,
West zone, Greater Chennai police,
Ambathur estate, Chennai - 600 058.

2.The Deputy Commissioner of Police,
Pulianthope range,
Chennai - 600 012.

3.The Deputy Commissioner of Police,
Annanagar range,
Chennai - 600 040.

+1 CC to The Govt. Pleader sr 93397

+1 CC to Mr.S.Selvathirumurugan, Advocate sr 92951

W.P.No.14933 of 2019
and
WMP.No.14900 of 2019

PPA(CO)
SP(05/12/2019)

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