

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 16375 of 2019
and WMP.No. 16058 of 2019

P.Eswaran

..Petitioner

Vs

1.The Deputy Commissioner of Police,
Traffic City Police Office,
Coimbatore City, Coimbatore-18.

2.The Commissioner of Police,
City Police Office,
Coimbatore City, Coimbatore-18.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for records pertaining to the charge memo issued by the first respondent herein in his Na.Ka.No.F4/P.R.No.10/2019 u/r 3 (b) dated 12.03.2019 and consequential order passed by the first respondent herein in his C.No.F4/PR.No.10/2019 dated 10.04.2019 and quash the same.

For Petitioner : M/s. Ravi Shanmugam

For Respondents : Mr. A.N.Thambidurai, Spl.G.P. -R2

O R D E R

Writ Petition is filed for issuance of a Writ of Certiorari to call for records pertaining to the charge memo issued by the first respondent herein in his Na.Ka.No.F4/P.R.No.10/2019 u/r 3 (b) dated 12.03.2019 and consequential order passed by the first respondent herein in his C.No.F4/PR.No.10/2019 dated 10.04.2019 and quash the same.

2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioners is that the petitioner was joined the Police service as Grade -II Police Constable in the year 1997 and subsequently promoted to the cadre of Grade I Police Constable and Head Constable in the year 2007 and 2012 respectively. On 23.11.2018 based on the compliant given by one Thiru Balasaravanan, a criminal case has been registered

against the petitioner in Cr.No.714/2018 u/s.170,365,386 & 506 (ii) IPC by the Erode Taluk Police Station and charges were also framed by the 1st respondent under Rule 3(b) of Tamil Police Subordinate Service (D&A) Rules,1955. On 29.03.2019, the petitioner has submitted a detailed explanation to the respondents to defer the oral enquiry till the criminal case is concluded as the will affect his right of defence in the criminal proceedings, but the same was rejected by the 2nd respondent on 10.04.2014. Challenging the same, the present writ petition is filed.

4. Learned counsel appearing for the petitioner submitted that though he sought for larger prayer challenging the order of the 2nd respondent dated 10.04.2019, it would suffice, if this Court issues direction to the respondents to complete the enquiry within a reasonable period of time.

5. Mr.A.N.Thambidurai, learned Spl.Government Pleader concede the request made by the learned counsel for the petitioner.

6. Considering the same, this Court hereby directs the 1st respondent to complete the enquiry pending against the petitioner after affording due opportunity to the petitioner and pass appropriate orders on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner of Police,
Traffic City Police Office,
Coimbatore City, Coimbatore-18.

2.The Commissioner of Police,
City Police Office,
Coimbatore City, Coimbatore-18.

+1cc to Mr.Ravi Shanmugam , Advocate SR.No. 94268
+1 cc to Government Pleader Sr.No. 94621

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A.SK(19/12/2019)