



WEB COPY

W.P(MD).No.6500 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD).No.6500 of 2019

and

W.P(MD).No.12633 of 2017

and

W.MP(MD).No.9739 of 2017

W.P(MD).No.6500 of 2019

K.Senthil Kumar

... Petitioner

-Vs-

The Superintendent of Police,
Thoothukudi District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the respondent in his proceedings C.No.F1/PR.No.50/2017, dated 18.01.2019 and to quash the same and consequently, directing the respondent to drop further action in the departmental proceedings.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondent : Mr.N.Shanmugaselvan

Additional Government Pleader

W.P(MD).No.12633 of 2017

K.Senthil Kumar

... Petitioner

Vs

1.The Superintendent of Police,
Thoothukudi District.

2.The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Kovilpatti, Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the proceedings in Tha.Pa.No.50 of 2017 dated 15.05.2017 on the file of the first respondent herein and to quash the same.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.N.Shanmugaselvan
Additional Government Pleader



COMMON ORDER

W.P(MD).No.6500 of 2019 has been filed to quash the order passed by the respondent in C.No.F1/PR.No.50/2017, dated 18.01.2019 and consequently, direct the respondent to drop further action in the departmental proceedings.

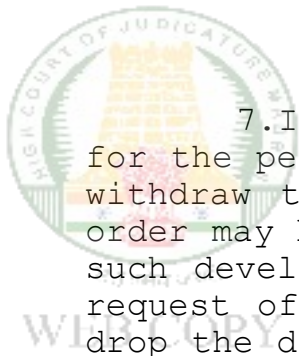
2.W.P(MD).No.12633 of 2017 has been filed to quash the proceedings in Tha.Pa.No.50 of 2017, dated 15.05.2017 on the file of the first respondent therein.

3.Heard the learned counsel for the petitioner and learned Additional Government Pleader for the respondents in both cases.

4.The case of the writ petitioner is that there was a matrimonial dispute between the petitioner and his wife. Hence, a criminal case has been lodged by the petitioner's wife against him and in the said case, a charge sheet has also been filed. Since the petitioner is working in the respondent department, disciplinary proceeding was initiated against him in Tha.Pa.No.50 of 2017, dated 15.05.2017. Against the initiation of the disciplinary proceedings, the petitioner herein filed a petition in W.P(MD).No.12633 of 2017 to quash the said disciplinary proceedings and obtained stay and the stay is still in force.

5.The petitioner has filed CrI.O.P(MD)Nos.12551, 15614 and 18802 of 2018 to quash the charge sheet. Thereafter, compromise has been entered into between the parties and based on the joint compromise memo filed, this Court quashed the charge sheet filed against the petitioner. Therefore, the petitioner made a representation to the respondents dated 05.12.2018 to drop further action of the departmental proceedings in P.R.No.50 of 2017, dated 15.05.2017 and the said representation has been rejected by the respondents. Hence, the petitioner filed a petition in W.P(MD).No.6500 of 2019 to quash the rejection order of the respondents.

6.When this matter is taken up for hearing, Mr.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents fairly submitted that W.P(MD).No.6500 of 2019 has been filed challenging the rejection order passed by the respondent, dated 18.01.2019. The petitioner has made a request to drop the disciplinary proceedings and the same was rejected due to the stay obtained in W.P(MD).No.12633 of 2017. Therefore, now he submitted that in view of the compromise arrived in the matrimonial dispute, the respondents are ready to consider the request of the petitioner as per the procedure, but due to the stay obtained in W.P(MD).No.12633 of 2017, they were not in a position to take any decision to drop the disciplinary proceedings initiated against the petitioner.



7. In reply, Mrs. Jessi Jeeva Priya, learned counsel appearing for the petitioner fairly submitted that the petitioner is ready to withdraw the petition in W.P(MD).No.12633 of 2017 and appropriate order may be passed for withdrawal. Further, she submitted that in such development appropriate order may be passed to reconsider the request of the petitioner vide representation, dated 15.05.2017 to drop the disciplinary proceedings, in view of the withdrawal of the petition in W.P(MD).No.12633 of 2017.

8. In view of the submissions made by both counsel and in view of the compromise arrived between the petitioner and his wife in a matrimonial dispute before the Criminal Court, this Court passes the following order:

(i) The petitioner is permitted to withdraw W.P(MD).No.12633 of 2017.

(ii) The impugned order passed by the respondent/Superintendent of Police, Thoothukudi, dated 18.01.2019 is set aside.

(iii) The respondent/Superintendent of Police is directed to reconsider the representation submitted by the petitioner, dated 05.12.2018 for dropping the disciplinary proceedings initiated against the petitioner in view of the compromise arrived at in a matrimonial dispute between the petitioner and his wife in CrI.O.P(MD).Nos.12551, 15614, 18802 of 2018 dated 25.10.2018, on merits and in accordance with law within a period of four(4) weeks from the date of receipt of a copy of this order.

9. Accordingly, W.P(MD).No.12633 of 2017 stands dismissed as withdrawn and W.P(MD).No.6500 of 2019 stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar(CS)

rmk
To

1. The Superintendent of Police,
Thoothukudi District.



2.The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Kovilpatti, Thoothukudi District.

+2 CC to M/s.P. JESSI JEEVA PRIYA, Advocate (SR-23601,23602[F]
dated 02/12/2020)

+1 CC to SPL GP (SR-23941,23942[F] dated 03/12/2020)

W.P.(MD).No.6500 of 2019
and
W.P(MD).No.12633 of 2017
01.12.2020

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