



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.1197 of 2020

and

W.M.P(MD)No.942 of 2020

WEB COPY

T.Simson Prathab Singh

... Petitioner

vs.

1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Home (Police) Department,
Fort St. George,
Chennai - 600 009.

2.The Director General of Police,
Chennai - 600 004.

3.The Deputy Inspector General of Police/
Enquiry Officer,
Madurai Range,
Madurai.

... Respondents

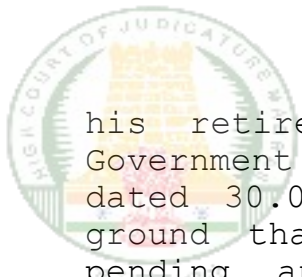
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to stop the enquiry in P.R.No.143 of 2009, vide C.No.A2/3467/287/2018, dated 03.01.2020 pending before the third respondent till the commencement of the trial in S.C.No.195 of 2011 on the file of the Additional Sessions Judge, Tenkasi and the trial in C.C.No.77 of 2012 on the file of the Judicial Magistrate, Boothapandi, vide the representation of the petitioner, dated 19.01.2020.

For Petitioner	: Mr.D.Saravanan
For Respondents	: Mr.K.S.Selva Ganesan Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to stop the enquiry in P.R.No.143 of 2009, dated 03.01.2020, pending before the third respondent till the commencement of the trial in S.C.No.195 of 2011, on the file of the Additional Sessions Court, Tenkasi and the trial in C.C.No.77 of 2012 on the file of the Judicial Magistrate Court, Boothapandi, based on the representation of the petitioner, dated 19.01.2020.

2.According to the petitioner, while he was serving as Additional Superintendent of Police, Category - I and on the date of



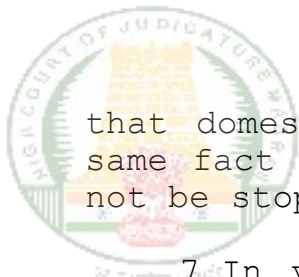
his retirement ie., on 30.09.2008, he was served with two Government Orders in G.O(2D)No.592, Home (Police.1A) Department, dated 30.09.2008, suspending the petitioner from service on the ground that an enquiry into contemplation of grave charges is pending and G.O(2D)No.593, Home (Police.1A) Department, dated 30.09.2008, not permitting him to retire from service. Challenging the abovesaid two Government Orders, the petitioner filed Writ Petitions in W.P.Nos.26863 of 2008 and 12591 of 2009. Both the Writ Petitions were dismissed by this Court, by an order, dated 12.02.2010. While the matter stood thus, the second respondent issued charge memo, dated 05.06.2009 under Rule 17(b) of the Tamil Nadu Civil Services (D & A) Rules. The Revenue Divisional Officer filed the report and the same was taken cognizance in C.C.No.77 of 2012, on the file of the Judicial Magistrate Court, Boothapandi. During the course of enquiry, the Revenue Divisional Officer, deleted some of the accused and added some of the new accused. One P.Paramasivan, newly added accused in C.C.No.77 of 2012 filed Crl.O.P(MD)No.6937 of 2018 for joint trial of C.C.No.77 of 2012 along with S.C.No.195 of 2011, on the file of the Additional District Court, Tenkasi. This Court, by order, dated 19.02.2020, allowed the said petition. According to the petitioner, enquiry officer has issued summons to the petitioner and also to the witnesses.

3.The learned counsel appearing for the petitioner submitted that the petitioner has nothing to do with the alleged crime and only Easwaran was in-charge, as per the records. Now, the said Easwaran is arrayed as witness in the domestic enquiry. If Easwaran gives evidence, it will affect the defence of the petitioner in the criminal case. Hence, the petitioner has come out with the present Writ Petition.

4.Mr.K.S.Selva Ganesan, learned Government Advocate appearing for the respondents submitted that there is no bar for conducting domestic enquiry as well as criminal proceedings simultaneously. The petitioner filed the Writ Petition only to drag on the proceedings and prayed for dismissal of the Writ Petition.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

6.The contention of the learned counsel appearing for the petitioner is that if the domestic enquiry is proceeded with, it will affect the defence of the petitioner in the criminal case. According to the petitioner, in January, 2020, criminal case was ripe for trial and this Court, by order, dated 19.02.2020, allowed Crl.O.P(MD)No.6937 of 2018 for joint trial of C.C.No.77 of 2012 along with S.C.No.195 of 2011. In the domestic enquiry, summons were issued to the petitioner as well as witnesses. It is well settled



that domestic enquiry as well as criminal proceedings of the very same fact can be proceeded simultaneously and domestic enquiry need not be stopped pending disposal of the criminal case.

7. In view of the above facts, the petitioner is not entitled for the relief sought for in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Secretary to Government,
Home (Police) Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Chennai - 600 004.
3. The Deputy Inspector General of Police/
Enquiry Officer,
Madurai Range,
Madurai.

+1 CC to M/s.SPL GP (SR-20327[F] dated 25/06/2021)

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KB(06.07.2021) 3P 5C