



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8315 of 2021

and

W.M.P(MD)No.6289 of 2021

WEB COPY

D.Anitha Arockia Mary

... Petitioner

vs.

1.The Director General of Police,
O/o.Director General of Police,
Tamil Nadu Police Headquarters,
Mylapore, Chennai.

2.The Deputy Inspector General of Police,
O/o.The Deputy Inspector General of Police,
Trichy Range, Trichy.

3.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

4.L.N.Nithyanandam

5.Ramadoss

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the entire records pertaining to the impugned show cause notice was issued by the third respondent in Na.No.K2/Tha.Pa.No.14/2021, dated 08.04.2021 and quash the same as illegal.

For Petitioner : Mr.S.Sivakumar

For RR 1 to 3 : Mr.C.Ramesh
Special Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Certiorari, to quash the impugned show cause notice issued by the third respondent in Na.No.K2/Tha.Pa.No.14/2021, dated 08.04.2021.

2.Mr.C.Ramesh, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

3.According to the petitioner, while she was working as Inspector of Police at Pudukkottai District Crime Branch, she investigated the complaint given by the fifth respondent against the fourth respondent in a fair and transparent manner. The entire enquiry was recorded in Audio and Video format. After conducting



petition enquiry, the respondents 4 and 5 informed that they have settled the matter in the presence of Panchayathars and produced 'Samathana Udanpadikkai'. The petitioner, after satisfied with the same, obtained statements from the respondents 4 and 5 and closed the petition enquiry. Subsequently, the fifth respondent gave a complaint to the Superintendent of Police/the third respondent. The same was forwarded to the petitioner and she investigated the same. The petitioner was satisfied of the fact that there was a *prima facie* case made out and it was a clear case of job racketing. When the petitioner started investigation, the fourth respondent filed CrI.O.P(MD)No.1776 of 2021, seeking a direction to the respondents not to harass him. According to the petitioner, without giving any fair opportunity to her, the said Criminal Original Petition was disposed of on 30.03.2021. Subsequent to the order, dated 30.03.2021, passed by this Court in the said Criminal Original Petition, the third respondent issued show-cause notice to the petitioner. Challenging the same, the petitioner has come out with the present Writ Petition.

4.The learned counsel appearing for the petitioner made various submissions on merits to set aside the said show-cause notice.

5.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

6.It is well settled that the power of Court to interfere with the show-cause notice is very limited. Further, in the present case, in CrI.O.P(MD)No.1776 of 2021, this Court by order, dated 30.03.2021, held that the petitioner instead of advising the respondents 4 and 5 to approach the civil Court to dissolve their dispute, conducted 'Katta Panchayat'. On such conclusion, this Court directed the first respondent to initiate disciplinary proceedings against the petitioner. Based on such direction of this Court made in CrI.O.P(MD)No.1776 of 2021, dated 30.03.2021, the impugned show-cause notice is issued and the same cannot be set aside. The petitioner is not entitled to the relief now sought for in the Writ Petition and it is liable to be dismissed. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to submit her explanation raising all the defence available to her and participate in the enquiry. No costs. Consequently, connected Miscellaneous Petition is closed.

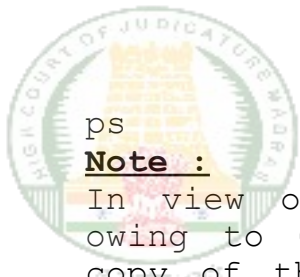
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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 Director General of Police,
O/o.Director General of Police,
Tamil Nadu Police Headquarters,
Mylapore, Chennai.
- 2.The Deputy Inspector General of Police,
O/o.The Deputy Inspector General of Police,
Trichy Range, Trichy.
- 3.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

+1 CC to M/s.S.SIVA KUMAR, Advocate
(SR-17070[F] dated 22/04/2021)

+1 CC to M/s.SPL GP (SR-17350[F]
dated 23/04/2021)

**W.P(MD)No.8315 of 2021
22.04.2021**

RK(10.05.2021) 3P 6C