



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2021**

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P(MD).No.1200 of 2016

and

W.M.P. (MD).Nos.986 and 8717 of 2016

Ali Khan

.. Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned charge memo Tha.Pa.No.80/2015 dated 09.12.2015 passed by the first respondent and quash the same and to forbear the respondents from in any manner proceeding with the charge memo against the petitioner.

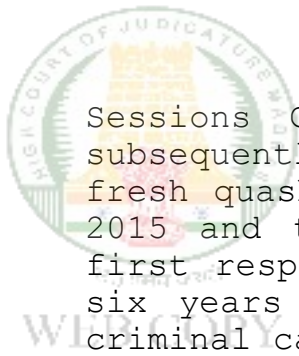
For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Karthik
Government Advocate

ORDER

This writ petition has been filed against the proceedings of the first respondent dated 09.12.2015 and to forbear the respondents from in any manner proceeding with the charge memo against the petitioner.

2. The case of the petitioner is that while the petitioner was working as Police Constable in Kandavarayanpatti Police Station at Sivagangai, a criminal case was registered against him in Crime No.30 of 2009 for the offence under Section 306 IPC and subsequently, altered into Section 302 r/w 109 IPC, in which the petitioner was arrayed as A2. Thereafter the final report was filed before the learned Judicial Magistrate, Melur, which was taken on filed in PRC.No.40 of 2009 as against which the petitioner filed CrI.O.P.(MD).No.1897 of 2010 to quash the charge sheet in PRC.No.40 of 2009. Thereafter the case has been transferred to the Mahila



Sessions Court, Madurai and numbered as S.C.No.15 of 2014 and subsequently, based on the liberty given by this Court to file a fresh quash petition, the petitioner filed CrI.O.P.(MD).No.11403 of 2015 and the same is still pending. In such circumstances, the first respondent issued charge memo on 09.12.2015 after a lapse of six years of the filing of criminal case. In the meanwhile, the criminal case ended in acquittal. Even then the first respondent did not conclude the charge memo with a malafide intention to prevent the petitioner's promotions and benefits. Hence, the petitioner approached this Court with the above said prayer.

3. The learned counsel for the petitioner would submit that though many grounds available for attacking the charge memo, the petitioner confine his prayer for a direction to the respondents to conclude the disciplinary proceedings within a reasonable time as fixed by this Court.

4. The leaned Government Advocate appearing for the respondents has no serious objections to consider the limited request made by the petitioner.

5. Considering the limited request made by the petitioner, and without going into the merits of the case, this Court is inclined to issue a direction to the respondents to conclude the disciplinary proceedings within a stipulated time. Taking note of the fact that the criminal case also ended in acquittal and the charge memo was issued in the year 2015 after a lapse of six years, the first respondent is directed to conclude the disciplinary proceedings pending against the petitioner, on merits and in accordance with law, within a period of three(3) months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Keelavalavu Police Station,
Madurai.

+1 CC to M/s.SPL GP (SR-5641[F] dated 17/02/2021)

W.P (MD) .No.1200 of 2016
16.02.2021

NA (CO)

TR(11.03.2021) 3P 4C