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W.A.Nos.516 to 519 of 2019  
and W.P.No.6337 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2022

CORAM

The Hon'ble Mr. Justice **PARESH UPADHYAY**  
and  
The Hon'ble Mr. Justice **D.BHARATHA CHAKRAVARTHY**

W.A.Nos.516 to 519 of 2019  
and C.M.P.Nos.4515, 4517, 4519 & 1521 of 2019  
and W.P.No.6337 of 2019 and W.M.P.No.7174 of 2019

**W.A.No.516 of 2019:**

Dr.S.Murugan,  
Joint Director,  
Directorate of Vigilance and Anti-Corruption,  
No.293, MKN Road, Alandur,  
Chennai – 600 016.

.. Appellant

VS

1.H.Jayalakshmi,  
Superintendent of Police,  
1-B, CID Police Quarters,  
R.A.Puram, Mandaveli, Chennai – 600 028.

2.The State of Tamil Nadu represented by its  
Principal Secretary, Home Department,  
Fort St.George, Chennai – 09.

3.The Director General of Police,  
Kamarajar Salai, Kailasapuram,  
Chennai – 600 005.



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4.The Director,  
Vigilance and Anti-Corruption Department,  
No.293, MKN Road, Collector Nagar,  
Alandur, Chennai – 600 016.

.. Respondents

**W.A.No.517 of 2019:**

Dr.S.Murugan,  
Joint Director,  
Directorate of Vigilance and Anti-Corruption,  
No.293, MKN Road, Alandur,  
Chennai – 600 016.

.. Appellant

VS

1.H.Jayalakshmi,  
Superintendent of Police,  
1-B, CID Police Quarters,  
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2.The State of Tamil Nadu represented by its  
Principal Secretary, Home Department,  
Fort St.George, Chennai – 09.

3.The Director General of Police,  
Kamarajar Salai, Kailasapuram,  
Chennai – 600 005.

4.The Director,  
Vigilance and Anti-Corruption Department,  
No.293, MKN Road, Collector Nagar,  
Alandur, Chennai – 600 016.

5.Internal Complaints Committee  
represented by its Presiding Officer,  
Office of Director General of Police,  
State Crime Records Bureau,  
Chennai – 28.

.. Respondents



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**W.A.No.518 of 2019:**

Dr.S.Murugan,  
Joint Director,  
Directorate of Vigilance and Anti-Corruption,  
No.293, MKN Road, Alandur,  
Chennai – 600 016.

.. Appellant

vs

1.The State of Tamil Nadu represented by its  
Chief Secretary to the Government,  
Fort St.George, Chennai, Tamil Nadu.

2.The State of Tamil Nadu represented by its  
Home Secretary to Government,  
Fort St.George, Chennai, Tamil Nadu.

3.The Director General of Police,  
Radhakrishnan Salai, Mylapore,  
Chennai, Tamil Nadu.

4.The Director,  
Vigilance and Anti-Corruption Department,  
No.293, MKN Road,  
Alandur, Chennai – 600 016.

5.The Internal Complaints Committee  
represented by its Chairman,  
Office of Director General of Police,  
Radhakrishnan Salai, Mylapore,  
Chennai, Tamil Nadu.

6.H.Jayalakshmi,  
Superintendent of Police,  
1-B, CID Police Quarters,  
R.A.Puram, Mandaveli,  
Chennai – 600 028.



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7.CBCID, Head Quarters,  
No.220, Pantheon Road,  
Egmore, Chennai – 600 008.

.. Respondents

**W.A.No.519 of 2019:**

Dr.S.Murugan,  
Joint Director,  
Directorate of Vigilance and Anti-Corruption,  
No.293, MKN Road, Alandur,  
Chennai – 600 016.

.. Appellant

vs

1.H.Jayalakshmi,  
Superintendent of Police,  
1-B, CID Police Quarters,  
R.A.Puram, Mandaveli, Chennai – 600 028.

2.The State of Tamil Nadu represented by its  
Principal Secretary, Home Department,  
Fort St.George, Chennai – 09.

3.The Director General of Police,  
Kamarajar Salai, Kailasapuram,  
Chennai – 600 005.

4.The Director,  
Vigilance and Anti-Corruption Department,  
No.293, MKN Road, Collector Nagar,  
Alandur, Chennai – 600 016.

.. Respondents

**W.P.No.6337 of 2019:**

H.Jayalakshmi

.. Petitioner

vs

1.State of Tamil Nadu represented by its  
Secretary to Government, Home Department,  
Fort St.George, Chennai – 600 009.



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2.The Vigilance Commissioner,  
Fort St.George, Chennai – 600 009.

3.The Director General of Police,  
Chennai – 600 004.

4.The Additional Director General of Police,  
CBCID, Head Quarters,  
Egmore, Chennai – 600 008.

5.The Director,  
Vigilance and Anti-Corruption Department,  
No.239, MKN Road,  
Alandur, Chennai – 600 016.

6.The Deputy Superintendent of Police,  
CBCID, Head Quarters,  
Egmore, Chennai – 600 008.

7.The Inspector of Police,  
Organized Crime Unit I,  
CBCID, Head Quarters,  
Egmore, Chennai – 600 008.

8.S.Murugan,  
Joint Director,  
Vigilance and Anti-Corruption Department,  
No.239, MKN Road,  
Alandur, Chennai – 600 016.

9.Internal Complaints Committee  
represented by its Presiding Officer,  
Office of Vigilance and Anti-Corruption,  
No.239, MKN Road,  
Alandur, Chennai – 600 016.



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10.Sri Lakshmi Prasad,  
Director General of Police,  
Presiding Officer,  
Internal Complaints Committee,  
Office of Vigilance and Anti-Corruption,  
No.239, MKN Road,  
Alandur, Chennai – 600 016.

11.Edappadi K.Palaniswami  
Chief Minister of Tamil Nadu,  
Fort St.George, Chennai – 600 009.

12.O.Paneer Selvam,  
Chief Minister of Tamil Nadu,  
Fort St.George, Chennai – 600 009.

13.The Chief Secretary to Government  
of Tamil Nadu,  
Fort St.George, Chennai – 600 009.

.. Respondents

**Prayer in W.A.No.516 of 2019:** Appeal filed under Clause 15 of Letters Patent against the order dated 14.02.2019 passed in W.P.No.23292 of 2018.

**Prayer in W.A.No.517 of 2019:** Appeal filed under Clause 15 of Letters Patent against the order dated 14.02.2019 passed in W.P.No.23846 of 2018.

**Prayer in W.A.No.518 of 2019:** Appeal filed under Clause 15 of Letters Patent against the order dated 14.02.2019 passed in W.P.No.25213 of 2018.



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**Prayer in W.A.No.519 of 2019:** Appeal filed under Clause 15 of Letters Patent against the order dated 14.02.2019 passed in W.P.No.23293 of 2018.

**Prayer in W.P.No.6337 of 2019:** Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus for a Court monitored investigation appointing an officer not under the control of the State Government to investigate FIR No.2 of 2018 on the file of the Inspector of Police, CBCID, Egmore, Chennai – 600 008.

For Appellant in  
all writ appeals : Ms.J.B.Abitha Banu

For Respondents in  
W.A.No.516 of 2019 : Mr.V.Selvaraj  
for Mr.D.Jaya Singh for R1  
Mr.R.Shunmuga Sundaram  
Advocate General assisted by  
Mr.P.Muthukumar  
Govt. Pleader and  
Ms.A.G.Shakeena for R2 to R4

For Respondents in  
W.A.No.517 of 2019 : Mr.V.Selvaraj  
for Mr.D.Jaya Singh for R1  
Mr.R.Shunmuga Sundaram  
Advocate General assisted by  
Mr.P.Muthukumar  
Govt. Pleader and  
Ms.A.G.Shakeena for R2 to R5



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For Respondents in  
W.A.No.518 of 2019 : Mr.R.Shunmuga Sundaram  
Advocate General assisted by  
Mr.P.Muthukumar  
Govt. Pleader and  
Ms.A.G.Shakeena for R1 to R5 &  
R7  
Mr.V.Selvaraj  
for Mr.D.Jaya Singh for R6

For Respondents in  
W.A.No.519 of 2019 : Mr.V.Selvaraj  
for Mr.D.Jaya Singh for R1  
Mr.R.Shunmuga Sundaram  
Advocate General assisted by  
Mr.P.Muthukumar  
Govt. Pleader and  
Ms.A.G.Shakeena for R2 to R4

For Petitioner in  
W.P.No.6337 of 2019 : Mr.V.Selvaraj  
for Mr.D.Jaya Singh

For Respondents in  
W.P.No.6337 of 2019 : Mr.R.Shunmuga Sundaram  
Advocate General assisted by  
Mr.P.Muthukumar  
Govt. Pleader and  
Ms.A.G.Shakeena for R1 to R5  
and R13  
Mr.S.Raja Kumar,  
Addl. Public Prosecutor for R6 & R7  
Mrs.J.B.Abithabanu for R8



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**COMMON JUDGMENT**  
(Delivered by PARESH UPADHYAY.,J)

1. Challenge in this group of appeals is made to the common order dated 14.02.2019 recorded on group of petitions being W.P.Nos.25213, 23292, 23293 and 23846 of 2018. The matter pertains to the complaint made by a lady police officer against her superior officer, leading to the proceedings under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and also registration of F.I.R. by the CBCID in Crime No.2 of 2018 for the offence under Sections 341, 354 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998.

2. Heard Ms.Abitha Banu, learned advocate for the appellant, Mr.R.Shunmuga Sundaram, learned Advocate General for the State and Mr.V.Selvaraj, learned advocate for the complainant who is also writ petitioner in some of the writ petitions from which these appeals have arisen.



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3. Learned advocates for the respective contesting parties and the learned Advocate General have addressed the Court to the extent necessary, since there are subsequent developments which are relevant for the purpose of recording this final order. It is noted that, while hearing these appeals, this Court had passed an order dated 28.08.2019, relevant part of which reads as under:-

"17. We are conscious of the fact that the enquiry and investigation out of a State is not envisaged under the provisions of the Act. But, looking to the nature of positions of both the parties, the complainant as well as the appellant, both belonging to Police Department of the State of Tamil Nadu and the nature of allegations, sought impleadment of parties including Chief Minister etc., the spree of litigation which has ensued between the parties on account of the allegations of sexual harassment, we are inclined to ensure complete fairness and independence in the internal enquiry under the Act of 2013 as



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well as the investigation in the FIR No.2  
of 2018.

18. We, therefore, exercising our extraordinary powers under Article 226 of the Constitution of India, including the powers under Article 226(2) of the Constitution, direct that all the proceedings in the present case for enquiry into the complaint of sexual harassment made by the complainant H.Jayalakshmi under the Act of 2013 as well as the investigation into the FIR No.2 of 2018 filed by the complainant shall stand transferred to the State of Telangana at Hyderabad.

19. We request/direct the Chief Secretary of the State of Telangana as well as the Director General of Police of the State of Telangana to undertake the necessary steps for constitution of a



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separate Internal Complaints Committee at Hyderabad, as per the provisions of the Act of 2013, headed by a Senior Lady Officer as per Section 11 of the said Act, which shall undertake the enquiry into the said complaint and also the investigation of the FIR No.2 of 2018 by a Senior and independent Official of the Police Department of the State of Telangana. The report of the said Internal Complaints Committee and the report of the investigation of the said FIR No.2 of 2018 may be transmitted back to this Court within a period of six months from today.

20. The relevant records in this regard, shall be transmitted by the concerned authorities of the State of Tamil Nadu, to the Chief Secretary of the State of Telangana forthwith.



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21. We are keeping these Writ Appeals pending, awaiting the aforesaid Report of the Internal Complaints Committee as well as Investigation Report from the concerned Investigating Officer of the State of Telangana, within the aforesaid period of six months.

22. We make it clear that our aforesaid order of transfer of proceedings to the neighbouring State of Telangana shall, in no way, be treated as any adverse expression by this Court on the image of the authorities of the State of Tamil Nadu in this respect. "

4. The above order is set aside by the Supreme Court of India vide order dated 27.09.2021 in S.L.P.(C) Nos.22364-22367 of 2019. It is in this background these appeals are considered by us.

5. The grievance of the appellant / delinquent (Dr.S.Murugan) was to the effect that, the constitution of the Internal Complaints



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Committee was not proper. However it is submitted that, by the subsequent order dated 13.09.2022, the said Committee is re-constituted by the State. A copy of the said order is placed on record with the copy thereof to other side.

6. Learned advocate for the appellant states, on instructions that, with the re-constitution of the said Internal Complaints Committee, the grievance of the appellant / writ petitioner stands redressed to that extent. In view of above, nothing remains to be done so far that grievance is concerned.

7. The second grievance of the said writ petitioner (appellant) is with regard to the opinion expressed by the Internal Complaints Committee, whereby it was opined to the Director General of Police that considering the sensitivity of the matter, it would be proper to forward the complaint to the CBCID for registration of criminal case and investigation in that regard. It is contended on behalf of the appellant that, the said course was illegal. This aspect is however contested by the State and the learned Advocate General has drawn the attention of this Court to respective provision of The Sexual



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Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, to contend that there is neither any illegality nor any impropriety in the said course having been adopted. A copy of the F.I.R. registered by the CBCID on 08.09.2018 in Crime No.2 of 2018 for the offence under Sections 341, 354 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 is on record. Column No.6 thereof refers to the name of the complainant. Such an F.I.R. in any case can be and ought to have been registered by the police, if the concerned lady has approached the police station. We do not find anything wrong, at least with the registration of the said F.I.R. According to us, the argument on behalf of the appellant / writ petitioner that the course adopted by the Internal Complaints Committee was impermissible, would not change the complexion of the matter. Beyond that, we do not express any opinion with regard to registration of F.I.R., since that is not under challenge before the Court and further that, expressing any opinion about it may prejudice the case of either of the parties, leaving it open to the parties to challenge / defend it, in accordance with law, if so advised.



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8. With the above two factors having been examined by us we find that, no further adjudication is required in the matter and the order of learned single Judge would stand modified to the above extent. Beyond that, no further opinion is recorded.

9. Since the issue is pending since long, learned Advocate General, on instructions states that, needful will be done by the respective State Authorities / Internal Complaints Committee expeditiously.

10. The writ appeals and the writ petition are disposed of in the above terms. No costs. Connected miscellaneous petitions would not survive.

**(P.U., J) (D.B.C., J)**  
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To

- 1.The Principal Secretary to Government,  
Home Department,  
Fort St.George, Chennai – 9.
- 2.The Director General of Police,  
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Chennai – 600 005.
- 3.The Director,  
Vigilance and Anti-Corruption Department,  
No.293, MKN Road, Collector Nagar,  
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- 4.The Presiding Officer,  
Internal Complaints Committee,  
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**PARESH UPADHYAY, J.  
and  
D.BHARATHA CHAKRAVARTHY, J.**

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04.11.2022