



W.P.(MD)No.8371 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8371 of 2020
and W.M.P(MD)No.7781 of 2020

M.Rajendran

... Petitioner

Vs.

1. The Director General of Police
Dr.Radhakrishnan Salai,
Mylapore, Chennai -4

2. The Deputy Inspector General of Police
Madurai Range,
Madurai.

3. The Superintendent of Police
Virudhunagar District
Virudhunagar

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the impugned order of punishment issued in his proceedings in Tha.Pa.No.25/2016 Rule 3(b) dated 03.02.2017 (served on 10.03.2017) and consequential impugned order of modification passed by the 2nd respondent in his proceedings in



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C.No.A4/4959/AP/2017 dated 7.12.2017 and consequential rejection of appeal by the 1st respondent in his impugned proceedings in Rc.No. 97485/AP.2(3)/2019 dated 22.05.2019 and quash all as illegal and arbitrary and consequently directing the 3rd respondent to provide all attendant and monitory benefits within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimuthurasu
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus call for the records on the file of the 3rd respondent in connection with the impugned order of punishment issued in his proceedings in Tha.Pa.No.25/16 Rule 3(b) dated 03.02.2017 (served on 10.03.2017) and consequential impugned order of modification passed by the 2nd respondent in his proceedings in C.No.A4/4959/AP/2017 dated 07.12.2017 and consequential rejection of appeal by the 1st respondent in his impugned proceedings in Rc.No. 97485/AP.2(3)/2019 dated 22.05.2019 and quash all as illegal and



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arbitrary and consequently directing the 3rd respondent to provide all attendant and monetary benefits within the time limit that may be stipulated by the Court.

2. The case of the petitioner is that the petitioner was appointed in the respondent department on 12.09.1996 as Grade-II Constable and he was upgraded as Grade-I Constable and Head Constable during the year 1996 and 2001 respectively. Thereafter the petitioner was promoted as Special Sub-Inspector of Police in the year 2001. Right from the date of induction into service the petitioner has rendered unblemished service. On 12.02.2016 while he was attending funeral ceremony of her father-in-law, there was a wordy quarrel arose between the family members and immediately the complaint was lodged before the Aruppukottai Taluk Police Station Virudhungan and a criminal case has been registered in FIR No.56/2016 dated 13.02.2016 for offences under Sections 147, 294(b), 242, 323, 506(i) IPC and section 4 of Tamilnadu Prohibition of Harassment of Women Act. To wreck vengeance against the petitioner and his family members, a counter case in Crime No. 57 of 2016 was



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registered for the offenses under Sections 147 , 294(b), 323, 324, 506 (i) IPC and r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act in which the petitioner was arrayed as the second accused.

3. In view of the registration of the FIR against the petitioner, the third respondent has suspended the petitioner from service on 11.03.2026 and issued a charge memo under Rule 3(b) of Tamilnadu Police Subordinate Service (Discipline and appeal) and he was called for explanation within a period of 15 days. Thereafter enquiry officer was appointed and in the meanwhile the petitioner has filed CrI.O.P(MD) No. 18023 of 2016 wherein both parties were entered into compromise and therefore the FIR in Crime No.57 of 2016 was quashed on 08.11.2016 . However the said order was placed before the disciplinary authority for consideration but the same is rejected. On completion of enquiry proceedings, the Enquiry Officer has filed his final report before the third respondent on 04.01.2017 as the charges levelled against the petitioner is proved. On the basis of the enquiry report, the third respondent called for explanation within a period of 15 days. Though the petitioner has



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submitted a detailed explanation to the third respondent, by dissatisfying the same the third respondent has imposed the punishment of increment for three years which shall operate to postpone future increment vide impugned order 03.02.2017 against which the petitioner an appeal before the second respondent. The second respondent has modified the punishment to the extent of postponement of increment for the period of one year which shall operate to postponement of future increment vide proceedings dated 07.12.2017 . Against which a mercy petition was filed before the first respondent on 11.03.2019 . However the mercy petition was also rejected on 22.05.2019. Hence the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that in the criminal case foisted against the petitioner by the family members the petitioner was arrayed as A2 and subsequently the case was quashed based on the compromise entered into between the parties. But the respondents without taking note of the same has imposed the punishment which would grossly affect his carrier and curtailed the right of



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promotion and hence the impugned order passed by the respondents are unsustainable in the eyes of the law and liable to be quashed.

5. A counter affidavit has been filed by the learned Special Government Pleader, who is appearing on behalf of the respondents. In paragraph No.12, the respondents has relied on the judgment of the Hon'ble Supreme Court in Civil Appellate jurisdiction **Civil Appeal No. 67 of 2018** (arising out of SLP(c) No.20750 of 2016) in **Union Territory, Chandigar Administration and Others case**, wherein it is held that that a candidate wishing to join the police force must be a person of utmost rectitude; He must have impeachable character and integrity; A person having criminal antecedents will not fit in this category and even if he is acquitted or discharged in the criminal case, that acquittal or discharge order will have to be examined to see whether he has been completely exonerated in the case because even a possibility of his taking to the life of crimes poses a threat to the discipline of the police force.



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6. Admittedly, a criminal case filed against the petitioner was acquitted by this Court based on the compromise memo filed by both the parties. However, a perusal of the FIR would show that the dispute is purely with regard to the family members and admittedly the same is ended in compromise and the petitioner is not involved in any heinous offence. Even if a criminal case ended in compromise and on acquittal order has been passed, there is no bar for initiating the departmental proceedings and even on acquittal, the disciplinary authority can proceed to conclude the disciplinary proceedings and to come to the logical end. In the present case, after the acquittal, the punishment was imposed by the 2nd respondent and the same is modified. Since the petitioner has not involved in any heinous crime and the dispute is only between the family members and considering the service rendered by the petitioner, this Court is inclined to modify the same to the effect that the petitioner is imposed with the punishment of postponement of increment for the period of one year without cumulative effect.



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7. With the above modification, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

19.12.2022

Index : Yes/No
Internet : Yes/No
CM

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