



W.P.(MD)No.8441 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 8441 of 2017

and

W.M.P.(MD)Nos.11062, 6449 & 6450 of 2017

S.Senthil Kumar (HC 3508),
working as Head Constable,
Avaniyapuram Police Station,
Madurai City, Madurai District.

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City @ Madurai.
2. The Superintendent of Police,
Madurai District @ Madurai.
3. The Deputy Commissioner of Police,
Madurai City @ Madurai.
4. The Assistant Commissioner of Police/
Oral Enquiry Officer,
Anna Nagar Crime Range,
Madurai City @ Madurai.

.... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorari*, to call for the records from the 3rd respondent in his proceedings in த.ப.எண்.டி.1(1)/60/2016, Dated 04.07.2016 and quash the same.

For Petitioner : Mr.N.Sathish Babu

For Respondents : M/s.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the charge memo, dated 04.07.2016, in த.ப.எண்.டி.1(1)/60/2016, issued by the 3rd respondent.

2. Heard Mr.N.Sathish Babu, learned counsel appearing for the petitioner and M/s.Farjana Ghoushia, learned Special Government Pleader, appearing for the respondents.

3. The charge against the petitioner is that, based on the criminal complaint registered against the petitioner in Crime No.428 of 2014 on the file of the Karuppayurani Police Station and the same was subsequently quashed, vide



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order of this Court, dated 07.11.2014 in CrI.O.P(MD)No.19793 of 2014. Based on the criminal case only, the respondents have issued the charge memo against the petitioner.

4. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents submitted that the petitioner was facing some other disciplinary proceedings in டி1(1)/த.ப.எண்:59/2016 and punishment of compulsory retirement was inflicted.

5. In view of the aforesaid reasons, this Court is of the considered opinion that the charge memo is proceeded further, the petitioner will be prejudiced. Moreover, it will not be served any purpose. Therefore, this Court is inclined to quash the charge memo. Moreover, the criminal case which was filed against the petitioner was already quashed.

6. The petitioner has appeared in person before this Court and gave an undertaking that, he will not challenge the compulsory retirement and punishment. The statement is recorded.



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7. Accordingly, this Writ Petition is allowed. The charge memo, dated 04.07.2016 in த.ப.எண்.டி.1(1)/60/2016, is hereby quashed. No Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
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To

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S.SRIMATHY, J

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**Order made in
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