



WEB COPY



W.P.No.18860 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18860 of 2013 and
MP.No.1 of 2013

T.Sambath Shylaja Kumar

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Ambattur Range,
Chennai 600 053

2.The Inspector of Police,
T-16, Nazarathpet Police Station,
Nazarathpet,
Chennai 602 103

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Prohibition prohibiting the respondent from proceeding with the Departmental enquiry against the petitioner made in Tha.Pa.No.107/Me.Ma/2012 dated 09.12.2012 on the file of the first respondent till the conclusion of investigating the enquiry and trail in File No.S13 of 2012 on the file of the CBI, A Wing, IIIrd Floor, Rajaji Bhawan, Besant Nagar transferred from Crime No.204 of 2012 from the file of B7, Vellavedu Police Station.

For Petitioner : Mr.Leelesh Sundaram.B
for M/s.Nathan and Asso.



W.P.No.18860 of 2013

For Respondents : Mr.T.M.Rajangam,
Government Advocate

ORDER

This writ petition has been filed to prohibit the respondents from proceeding with the departmental enquiry as per the order for departmental enquiry till the conclusion of criminal case registered in crime No.204 of 2012 on the file of the Inspector of Police, B7 Vellavedu Police Station.

2. The petitioner while serving as Constable in Tamilnadu Uniformed Services, he was arrested and remanded to judicial custody in pursuant to the FIR registered in crime No.204 of 2012 for the offence under Section 302 of IPC on the file of the Inspector of Police, B7 Vellavedu Police Station, Tiruvallur District. Since the petitioner was arrested, he was suspended from service by an order dated 01.05.2012. Thereafter, the investigation was transferred to the file of the Central Bureau of Investigation and it was re-registered in crime No.S13 of 2012 and after completion of investigation, final report was filed. While pending the criminal charge, the petitioner was served with charge memo



W.P.No.18860 of 2013

WEB COPY

in order to initiate disciplinary proceedings dated 09.12.2012. After issuance of charge memo, the petitioner was issued proceedings dated 06.06.2013 by the Joint Commissioner of Police, West Zone and thereby instructed the petitioner to cooperate with the enquiry. Subsequently, the petitioner was issued summons dated 15.06.2013, thereby calling upon the petitioner to submit his explanation for the charges laid against the petitioner. Therefore, he prayed not to proceed with the departmental enquiry till the conclusion of the criminal proceedings.

3. The learned counsel for the petitioner would submit that after completion of investigation by the Central Bureau of Investigation, final report was filed and the same was taken cognizance by the trial court in SC.No.308 of 2014 on the file of the Principal District Court, Tiruvallur, in which the petitioner was arrayed as first accused. However, entire trial was completed and ended in acquittal by order dated 13.06.2023.

4. Heard, the learned counsel appearing on either side.



W.P.No.18860 of 2013

WEB COPY

5. The prayer sought for in this writ petition itself is to prohibit the respondents from proceeding with the departmental enquiry till the conclusion of the criminal case, which is now ended in acquittal. As such, the respondents can very well proceed with the enquiry as per the charges laid against the petitioner dated 09.12.2012. The respondents are directed to complete the enquiry after giving sufficient opportunity to the petitioner within a period of three months from the date of receipt of this order and pass final order in accordance with law.

6. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

08.08.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



WEB COPY



W.P.No.18860 of 2013



WEB COPY



W.P.No.18860 of 2013

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The Deputy Commissioner of Police,
Ambattur Range,
Chennai 600 053
- 2.The Inspector of Police,
T-16, Nazarathpet Police Station,
Nazarathpet,
Chennai 602 103
3. The Government Advocate,
High Court, Madras.

W.P.No.18860 of 2013

08.08.2023