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W.P.No.22433 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22433 of 2023
and
W.M.P.No.21842 of 2023

Dr.Prabhu Thilaak

... Petitioner

Vs.

1.State represented by its
The Director General of Police,
Tamil Nadu State Police,
Radhakrishnan Salai,
Chennai – 600 004.

2.J.Shankar
Additional Superintendent of Police,
Coastal Security Board,
Opp. Government Hospital,
Velippalayam,
Nagapattinam – 611 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to initiate disciplinary proceedings against the 2nd respondent under the provisions of the Tamil Nadu Police Subordinate Service Conduct Rules, 1964, based on the petitioner's complaint dated 01.06.2023 within the time frame fixed by this Court.



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For Petitioner : Mr.N.S.Amogh Simha
for M/s.S.Gopisubanidhi

For R1 : Mr.S.Rajesh
Government Advocate

ORDER

This writ petition has been filed to direct the 1st respondent to initiate disciplinary proceedings against the 2nd respondent under the provisions of the Tamil Nadu Police Subordinate Service Conduct Rules, 1964, based on the petitioner's complaint, dated 01.06.2023, within the time frame fixed by this Court.

2.It is the case of the petitioner that the petitioner's estranged wife, namely Shruthi, is leading adulterous life with the 2nd respondent, who is now working as Additional Superintendent of Police, Tamil Nadu Coastal Security Group, Nagapattinam. It is the further case of the petitioner that the said illegal intimacy has been admitted by the 2nd respondent and the petitioner's wife on various occasions and the petitioner is in possession of proof to that effect. Therefore, the petitioner lodged a complaint, dated 01.06.2023, before the 1st respondent to initiate appropriate action against the 2nd respondent for violating the provisions



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of the Tamil Nadu Police Subordinate Service Conduct Rules, 1964.

However, it is the grievance of the petitioner that no action has been taken so far. Hence, the present writ petition has been filed.

3.Heard the learned counsel appearing for the petitioner and Mr.S.Rajesh, learned Government Advocate, who takes notice for the 1st respondent.

4.On a perusal of records, it is seen that the petitioner has stated in his affidavit filed in support of this writ petition that he has filed divorce petition against his wife in H.M.O.P.No.1320 of 2023 on the ground of Adultery, before the Family Court, which is now pending. At the outset, this Court is of the view that, merely on the basis of certain allegations levelled against the 2nd respondent by the petitioner on the ground of Adultery, this Court cannot issue positive directions to initiate action against the 2nd respondent. Admittedly, the petitioner has approached the Family Court with similar set of allegations against his wife and 2nd respondent. Unless those allegations are established by way of letting in oral and documentary evidence before the Family Court, this Court cannot presume that the allegations are proved and that the 2nd



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respondent has violated the provisions of the Police Conduct Rules and has committed an act of moral turpitude. In such view of the matter, at this stage, this Court is not inclined to issue any positive directions as sought for by the petitioner.

5. Therefore, this writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

28.07.2023

mkn

Note to Registry :
Issue order copy on 31.07.2023.

Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

The Director General of Police,
Tamil Nadu State Police,
Radhakrishnan Salai,
Chennai – 600 004.



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N. SATHISH KUMAR, J.
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