



WEB COPY



W.P.No.26048 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.26048 of 2023 and
W.M.P.No.25469 of 2023

B.Amalraj

... Petitioner

Versus

1.The Deputy Inspector General of Police,
Kanchipuram Range, Kanchipuram District.

2.The Additional Superintendent of Police
(HQ)-cum-Enquiry Officer,

District Police Office, Kanchipuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other Order or direction in the nature of the Writ directing the respondents not to proceed against the petitioner in PR.No.4/2023 dated 27/1/2023 initiated by the 1st respondent until the Criminal Prosecution against the petitioner in SC.No.56/2023 on the file of 22nd Additional Sessions Judge, Allikulam, Madras is disposed of by the said Court.

For Petitioner :	Mr.K.Ravi Ananthapadmanabhan, Senior Counsel for Mr.B.Thirumalai
For Respondents :	Mr.M.Alagu Gowtham, Government Advocate

ORDER

This Writ Petition has been filed to direct the respondents not to proceed against the petitioner in PR.No.4/2023, dated 27.01.2023 initiated



W.P.No.26048 of 2023

by the 1st respondent till the disposal of the criminal prosecution against the petitioner in S.C.No.56 of 2023 on the file of 22nd Additional Sessions Judge, Allikulam, Chennai.

2.A charge-memo, dated 27.01.2023 has been issued against the petitioner alleging that he received the stolen goods from one Santhosh Kumar and he handed over only a portion of stolen goods to the Police Station but concealed another portion containing more than 2 kgs of gold at the house of the said Santhosh Kumar. On the said allegations, the petitioner is facing trial along with eight others in S.C.No.56 of 2023, for offence under Sections 342, 397 r/w 120(B) IPC @ 342, 395 & 397, 412 IPC @ 342, 395 & 397, 412, 414 IPC @ 397 r/w 120(B), 342, 506(ii), 455, 328, 427, 395 r/w 397, 395 r/w 201, 395 r/w 109, 412, 414 IPC.

3.The contention of the learned Senior Counsel appearing for the petitioner is that the departmental proceedings has been initiated against the petitioner for the same set of facts in the criminal case in S.C.No.56 of 2023, therefore, the defence revealed in departmental proceedings will cause prejudice to the petitioner in the criminal case. As per



W.P.No.26048 of 2023

G.O.(Ms)No.124, Personnel and Administrative Reforms (Per.N)

Department, dated 22.02.1983, when a criminal case is filed solely on a criminal offence committed by the Government servant which is no way connected with the discharge of his official duties, there is no need to pursue departmental action except placing the Government servant under suspensions as contemplated under Tamil Nadu Civil Services (Classification, Control and Appeal) Rules. The ultimate departmental action can be initiated against the delinquent officer after the result of the criminal case pending against him is disposed of by the Court of Law. Hence, seeks direction of this Court to the respondents not to proceed the departmental proceedings against the petitioner till the disposal of S.C.No.56 of 2023.

4.Heard the submissions made on either side and perused the entire materials available on records.

5.On perusal of the records, it is seen that the petitioner has already filed a Writ Petition in W.P.No.21733 of 2023 for the similar relief, however, once again the present Writ Petition has been filed. When the writ



W.P.No.26048 of 2023

petition for the similar relief is already pending, this Court is of the view that once again second writ petition for the same relief cannot be maintained.

6. Accordingly, I do not find any merit in this Writ Petition and the same is liable to be dismissed and, is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

07.09.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

vv2

To

1. The Deputy Inspector General of Police,
Kanchipuram Range, Kanchipuram District.

2. The Additional Superintendent of Police
(HQ)-cum-Enquiry Officer,
District Police Office, Kanchipuram District.



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W.P.No.26048 of 2023

N.SATHISH KUMAR, J.
vv2

W.P.No.26048 of 2023

07.09.2023