



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.14957 of 2017

and

W.M.P.Nos.16190 of 2017 and 40301 of 2018

K. Sukumaran

.. Petitioner

Vs.

The Commissioner of Police
Commissioner's office,
Coimbatore city.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent from carrying on the proceedings in F4/PR-28/2017 dated 14.03.2014 pending disposal trial proceedings in Spl.C.C.No.1 of 2016 on the file of the Special Judge for the cases under Prevention of Corruption Act, Coimbatore.

For Petitioner

.. Mr. A. Natarajan, Senior Counsel
For Ms. A. Madhumathi

For Respondent

.. Mr. S. Ravikumar,
Special Government Pleader



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ORDER

This Writ Petition has been filed in the nature of Mandamus, forbearing the respondent from continuing with the proceedings in F4/PR-28/2017 dated 14.03.2014 pending disposal trial proceedings in Spl.C.C.No.1 of 2016 on the file of the Special Judge for the cases under Prevention of Corruption Act, Coimbatore.

2.It is to be noted that the matter was listed two days back on 04.07.2023 and at specific request of the learned counsel for the petitioner, the matter had been listed again today / 06.07.2023. Even on 19.06.2018, it had been observed that no stay had been granted regarding the departmental proceedings. On 19.06.2018, when apparently the issue of stay was pressed, the learned Single Judge had declined to grant any stay.

3.It is trite in law to point out that the criminal proceedings and the departmental proceedings will have to run parallelly and there cannot be a stay of one, till the disposal of the other.



4. In the instant case, the petitioner had joined the service of the Tamil Nadu Police Service as Deputy Superintendent of Police in the year 2002 and had completed 15 years of service. He was then posted as Deputy Commissioner of Police, Crime, Coimbatore City, with effect from November 2012 to June 2014. When he was functioning as Deputy Commissioner of Police, one J. Bhawarlal had lodged a complaint before the Inspector of Police at B-10, Selvapuram Police Station, Coimbatore, on 12.12.2013 and subsequent to which, a First Information Report in Crime No.1329 of 2013 had been registered for the offences under Sections 457 and 380 IPC. The said defacto complainant, J. Bhawarlal stated that in his godown theft had taken place and products worth about 10,00,000/- were stolen. The Inspector of Police arrested eight accused out of twelve accused person.

5. Thereafter, the investigation was transferred to the file of CBCID, Coimbatore, and the case was also renumbered as Crime No.3 of 2014. Later the remaining four accused were also arrested by the CBCID. It is stated that the petitioner was then implicated as accused No.13 in the said criminal case. Consequent to investigation, a final report was filed before



the Special Court for the cases of Prevention of Corruption Act and the learned Judge had taken cognizance of the same as Spl.C.C.No.1 of 2016.

The prosecution has produced a list of 54 witnesses and about 60 documents.

6.The petitioner had then filed Crl.O.P.No.10832 of 2019 under Section 482 Cr.P.C., seeking to quash the final report. The learned Special Government Pleader stated that the said quash petition was dismissed on 03.06.2020. It is now stated that the trial in the aforementioned Spl.C.C.No.1 of 2016 is under way.

7.The learned Special Government Pleader brought to the notice of this Court, a memorandum issued by the Director General of Police, whereby, a copy of GO.(Ms).No.66 dated 06.07.2022, issued by the Human Resources Management (N) Department had been enclosed and circulated to all concerned. In this said Government order various procedures and instructions were issued relating to simultaneous proceedings of departmental enquiry and ongoing criminal case.



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8. Instruction No.12 in the said Government order is as follows:

“12.As far as the departmental action on corruption allegations are concerned, it is not necessary that the disciplinary authority should wait for the final disposal of the criminal case registered under the Prevention of Corruption Act, 1988 (Central Act No.49 of 1988).”

Thus, the departmental proceedings will have to proceed.

9.A direction is given that the departmental proceedings should continue without any unnecessary delay and reach its logical conclusion. The petitioner will have to face both the enquiry in the departmental proceedings and trial in the aforementioned Special Calender Case. Let the departmental proceedings continue. It is to the advantage of the petitioner that he participates. Let the enquiry report also be furnished to the petitioner herein. Let him give a representation, if it is adverse to him but let no final orders be passed in the disciplinary proceedings.



WEB COPY 10. With the above observations, this writ petition stands dismissed.

No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

06.07.2023

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To,

The Commissioner of Police
Commissioner's office,
Coimbatore city.



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C.V.KARTHIKEYAN,J.

smv

W.P.No.14957 of 2017

06.07.2023