



W.P.(MD)No.14198 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14198 of 2023

and

W.M.P.(MD)No.12038 of 2023

A.Thangadurai

... Petitioner

Vs.

1.The Superintendent of Police,
District Police Office,
Tuticorin,
Tuticorin District.

2.The Deputy Superintendent of Police,
District Crime Record Bureau,
Tuticorin, Tuticorin District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in order in Na.Ka.No.1/Ma Ku Aa.Ka/ tuty 2023 dated 25.02.2023 issued by the 2nd respondent and quash the same and direct the 2nd respondent to defer the Disciplinary Proceedings in C.No.F1/RR No 01/2020 dated 19.02.2020 till the criminal case in Special case No.05/2014 is completed



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which is pending on the file of the Learned Chief Judicial Magistrate,
Tuticorin, Tuticorin District.

For Petitioner : Mr.KA.Raamakrishnan

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader.

ORDER

The petitioner challenges the impugned charge memo on the grounds set out in the affidavit filed in support of the writ petition.

2.The contentions advanced by the learned counsel for the petitioner are not sufficient to quash the charge memo. They are factual in nature and the petitioner has to necessarily face the enquiry and establish his innocence.

3.It is then contended that the petitioner is facing the criminal prosecution parallelly. This ground is also not available to the petitioner because it has now been held that on the same cause of action, there can be parallel conducting of a criminal case as well as the departmental



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proceedings. Of course, this Court has been granting stay of the departmental proceedings for period of one year. If at the end of one year period, the criminal case does not get concluded, the departmental proceedings are directed to be resumed. This breathing time is given so as to ensure fair trial for the accused and to save delinquent from disclosing his defence at the departmental stage which may prejudice his trial.

4.In this case, the prime witnesses have already been examined before the criminal Court. Therefore, this point is also not available to the petitioner.

5.The learned counsel for the petitioner states that he would be satisfied if the departmental proceedings are stayed for a maximum period of three months. In the interest of justice, the second respondent is directed to keep the impugned proceedings in abeyance and on hold for a period of three months from today ie., 19.06.2023. Whether the criminal case ends by then or not, the departmental proceedings can resume at the end of the three months period.



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6.This writ petition is dismissed with the aforesaid directions. No costs. Consequently, connected miscellaneous petition is closed.

19.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:-

- 1.The Superintendent of Police,
District Police Office,
Tuticorin,
Tuticorin District.
- 2.The Deputy Superintendent of Police,
District Crime Record Bureau,
Tuticorin, Tuticorin District.



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G.R.SWAMINATHAN,J.

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