



W.P.(MD).No.26037 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26037 of 2023

Bensingh

Vs.

... Petitioner

1. The Director General of Police,
Head of Police Force,
Tamil Nadu, Chennai.

2. The Deputy Commissioner of Police,
Armed Reserve – I,
Greater Chennai Police,
Chennai.

3. The Superintendent of Police,
Armed Reserve Police,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records in Rc.No.2841119/AP.3(2)/2022, dated 24.03.2023 on the file of the first respondent and quash the same as illegal and consequently direct the respondent to grant all service and monetary benefit within time framed to be fixed by this Court.



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For Petitioner : Mr.S.Kumar

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed by the Armed Reserve Police challenging the order passed by the first respondent herein, wherein his revision petition has been dismissed.

2. According to the writ petitioner, he was imposed with punishment on 06.02.2016, wherein, he was imposed with postponement of his increment with cumulative effect for a period of three years. After imposition of such punishment, he was acquitted by the criminal Court on 18.11.2016. Without filing an appeal to the Commissioner of Police, the petitioner has chosen to file a revision petition directly before the first respondent herein on 16.12.2021. Under the impugned order, dated 24.03.2023, the first respondent herein has rejected the revision petition filed by the petitioner. Challenging the same, the present writ petition has been filed.



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3. According to the learned counsel appearing for the petitioner, the alleged incidents have occurred within the family in the police quarters and he has been acquitted from the criminal case. However, his acquittal though mentioned in the revision petition, the same has not been properly considered by the first respondent herein.

4. Per contra, the learned Special Government Pleader appearing for the respondents herein has contended that the acquittal in the criminal proceedings is not a bar for proceeding in the departmental enquiry.

5. I have carefully considered the submissions made by the learned counsel on either side.

6. Considering the fact that the petitioner's acquittal in the criminal case has not been taken into consideration by the first respondent, the order of the first respondent impugned in the writ petition is hereby set aside and the matter is remitted back to the file of the first respondent. The first respondent herein is directed to consider the revision petition of the writ petitioner afresh



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in the light of his acquittal in C.C.No.56 of 2016 on the file of the Judicial Magistrate Court, Thiruvottiyur, dated 18.11.2016 and pass orders on merits and in accordance with law and after giving due opportunity to the writ petitioner. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs.

20.11.2023

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

1. The Director General of Police,
Head of Police Force,
Tamil Nadu, Chennai.
2. The Deputy Commissioner of Police,
Armed Reserve – I,
Greater Chennai Police,
Chennai.
3. The Superintendent of Police,
Armed Reserve Police,

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Nagercoil,
Kanyakumari District.



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R.VIJAYAKUMAR,J.

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