



W.P.No.27600 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM

THE HONOURABLE MRS. JUSTICE **R.KALAIMATHI**

W.P.No.27600 of 2012

and

MP.No.2 of 2012

P.Sekar

...

Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai -4.

2.The Superintendent of Police,
Coimbatore Rural District,
Coimbatore-18.

3.The Deputy Superintendent of Police,
Periyanaickampatti,
Coimbatore District.

...

Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the respondents in connection with the impugned order passed by the 1st respondent in Na.Ka.No.J1/PR.102/2004 dated 21.10.2004 and by the 2nd respondent in C.No.J1/PR102/2004 dated 25.06.2012 and quash the same and grant such other further relief as this Court may deem fit in the circumstances of the case.



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For Petitioner : Mr.K.Santhoshkumar for
Mr.M.Muthappan

For respondents : Mr. S.Rajesh,
Government Advocate

ORDER

The Orders passed by the 1st respondent, in Na.Ka.No.J1/PR.102/2004 dated 21.10.2004 and by the 2nd respondent in C.No.J1/PR102/2004 dated 25.06.2012 are under challenge.

2. The petitioner, P.Sekar, S/o Perumal, submits that he entered the service as a Grade II police constable by direct recruitment on 14.01.1986 in the Tamil Nadu Special Police VII Battalion, Palani. He was transferred to the District Armed Reserve, Coimbatore, in 1995, and he was upgraded to Grade I Police Constable in 1996. He was subsequently transferred to the Taluk Police establishment in the year 2000 and, thereafter, promoted to the post of head constable in the year 2001.

2.1. The petitioner has further submitted that while he was serving as Head Constable attached to the Avinashi Police Station, he was placed under suspension on 10.06.2004. The petitioner, along with the other two policemen, have been charged in a criminal case.



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3. Mr. K. Santhosh Kumar, the learned counsel for the petitioner, would submit that the criminal case in C.C. No. 7110/2005 on the file of the Judicial Magistrate Court ended in acquittal, and he would further submit that based on the requisition, the impugned order came to be passed. When the case ended in acquittal, the departmental proceedings ought not have proceeded with? thereby, the impugned order suffers from irregularity.

4. Mr.S. Rajesh, the learned Government Advocate appearing for the respondent, would submit that, notwithstanding the fact that after the disposal of the criminal case or during the pendency of the criminal case, the departmental proceedings would go on and there is no impediment for the departmental proceedings to proceed further.

5. The petitioner was placed under suspension on 10.06.2004 and the details of the delinquency are extracted hereunder:

"i) Highly reprehensible and unbecoming conduct of a Police Man in having involved in criminal case in Cr.No.01/2003 u/r 465, 468, 471, 420 r/w 34 IPC of Crime branch CID, Metro Chennai in connection with forging the experts opinion of TNFSL on electrical meter concerned in Avinashi PS Cr.No.507/01/ u/s 379 IPC and 41(1) (c) of Indian Electricity Act 1910, which led to his arrest on



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27.04.2004 at 09.30 hrs. and he was sent to remand by the XI Metropolitan Magistrate, Saidapet, Chennai on 27.04.04."

6. It appears that, as per the Orders passed by this Court on 03.09.2010 in CrI.RC.No.148/2007, the charges against the petitioner were quashed, and as a result, further investigation was dropped against the petitioner and other policemen.

7. Under these circumstances, the petitioner submitted a representation dated 13.06.2012 to the respondents. Further investigation in the criminal case was ordered to be dropped by an Order passed by the 2nd respondent on 25.06.2012, is under challenge.

8. In P.R.No.102/2004, the disciplinary proceedings were initiated under Rule 3 (b) of TNPSS (D&A) Rules. The disciplinary proceedings and the criminal trial are entirely different matters and the purpose sought to be achieved, and both are entirely different. In the case of criminal acts, the offenders, if found guilty, shall be punished, and in the case of the disciplinary proceedings, in order to maintain purity and efficiency in public service. Therefore, both are not interconnected with each other.



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9. According to the observations made by the Hon'ble Supreme Court in Civil Appeal No. 10588 of 1996, the Apex Court has observed that both are different proceedings and there is no bar for simultaneous proceedings before the Criminal Court and the Department. Therefore, his requests were not accepted.

10. The learned Government Advocate appearing for the respondents submits that orders have been passed in the departmental proceedings.

11. Recording the said submission, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed, if any.

11.07.2024

Index: Yes/No
Internet: Yes/No
Speaking order/Non Speaking order
Neutral: Yes/No

jrs



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To

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Chennai -4.
- 2.The Superintendent of Police,
Coimbatore Rural District,
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- 3.The Deputy Superintendent of Police,
Periyanaickampatti,
Coimbatore District.
- 4.The Section Officer,
V.R.Section, High Court,
Madras.



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R.KALAIMATHI,J.

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