



W.P.No.12898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.12898 of 2024

and

W.M.P.Nos.14060 and 14061 of 2024

M.Venkatachalam

... Petitioner

Vs.

1.The Director General of Police,
Crime Branch CID, Egmore,
Chennai – 600 008.

2.The Deputy Inspector General of Police,
Kanchipuram Range Office,
Kanchipuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the Impugned Charge Memo Tha.Pa.No.12/2024 dated 27.03.2024 on the file of the 2nd respondent under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline & Appeal) Rules 1955 and quash the same.



W.P.No.12898 of 2024

For Petitioner : Mr.K.V.Sanjeev Kumar
for M/s.Amrutha Srinivasan

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

The petitioner is challenging the Charge Memorandum dated 27.03.2024. The petitioner is leveled with one charge of filing a final report in Crime No.4 of 2018 without proper application of mind and without even collecting any material as against the person arrayed as accused in the said case.

2. The learned counsel for the petitioner would submit that the petitioner has only performed his duty as investigating officer and after recording the statement of 11 witness, the final report was filed. Even if there is any error in the judgment on his part and the charge sheet has been wrongly filed, if the accused has filed quash application and the same is entertained by this Court, no mis-conduct can be alleged against the petitioner. Without even proper application of mind only because it is directed by this Court in CrI.O.P.No.1280 of 2021, mechanically, the charge



W.P.No.12898 of 2024

sheet has been issued. Therefore, he would submit that the same has to be interfered with.

3. I have considered the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

4. On a perusal of the order dated 11.08.2023 in Crl.O.P.No.1280 of 2021, the following orders was passed which is extracted hereunder:-

“11.In the present case, the petitioner has not committed any offence. However, Mr.M.Venkatachalam, Inspector of Police, District Crime Branch, Tiruvallur has filed the final report before the learned Judicial Magistrate – II, Ponneri stating that the petitioner/A2, A3 and A4 have committed the offence punishable under Sections 420, 506(i), 477 and 34 of I.P.C. This itself clearly shows that the Inspector of Police, District Crime Branch, Tiruvallur has filed the final report without applying his mind. Therefore, the Director General of Police, Crime Branch, CID, Chennai is directed take appropriate action against Mr.M.Venkatachalam, Inspector of Police, District Crime Branch, Tiruvallur, for filing the final report against the petitioner who has not committed any offence and also, directed to file a Report with regard to the action taken against Mr.M.Venkatachalam, Inspector of Police, District Crime Branch, Tiruvallur, before this Court, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.”



W.P.No.12898 of 2024

WEB COPY

5. The name of the petitioner is categorically mentioned and the respondents are directed to take disciplinary action pursuant to which charge memorandum has been issued. If it is the case of the petitioner that there was no dereliction of duty on the part of the petitioner and the said order ought not to have been passed, then the same cannot be canvassed in the present writ petition and the remedy of the petitioner's lies elsewhere. This Court cannot further scrutinize the correctness or otherwise direction issued by the order dated 11.08.2023 in Crl.O.P.No.1280 of 2021. The direction has been issued to the respondents to take disciplinary action and the respondents are left with no other option than to comply with the same.

6. In that view of the matter, keeping open all the grounds of the petitioner to be canvassed before the appropriate forum that there was no dereliction of duty on his part in filing the charge memorandum, this writ petition challenging the charge memorandum cannot be entertained at this stage.



W.P.No.12898 of 2024

7. A Charge memorandum can be interfered with by this Court, if only it is issued in violation of any rules or if it is not issued by a competent authority. When the charge memorandum is issued by the competent authority pursuant to direction of this Court, this Court cannot entertain this writ petition. Needless to state, that the petitioner has requested the documents which are relating to the charge memorandum. The same shall be furnished to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

03.06.2024

Neutral Citation :Yes/No
jas



W.P.No.12898 of 2024

To

WEB COPY

- 1.The Director General of Police,
Crime Branch CID, Egmore,
Chennai – 600 008.

- 2.The Deputy Inspector General of Police,
Kanchipuram Range Office,
Kanchipuram.



WEB COPY



W.P.No.12898 of 2024

D.BHARATHA CHAKRAVARTHY, J.

jas

W.P.No.12898 of 2024

and

W.M.P.Nos.14060 and 14061 of 2024

03.06.2024