



WEB COPY



W.P.No. 5428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5428 of 2024

K.Suresh Kumar

....

Petitioner

Vs

1. The Director General of Police,
No.1, Kamarajar Salai,
Mylapore, Chennai – 600 004.

2. The Deputy Inspector General of Police,
Villupuram Range,
Villupuram.

3. The Superintendent of Police,
Cuddalore District,
Tamil Nadu – 607 302.

4. The Inspector of Police,
NTPS,
Cuddalore – 607 302.

5. M.Sivaraj

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent pertaining to proceedings in PR.No.08/2011, order dated 12.07.2012 to quash the same and consequently direct the respondents 1 to 4 to confer all the attendant benefits to the petitioner.



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acquitted the petitioner. Thereafter, the petitioner preferred a mercy petition before the first respondent as against the order of punishment.

However, it was rejected by an order dated 16.06.2017. After a period of seven years, the petitioner challenges the original order of punishment dated 12.07.2012, without also challenging the order of rejection of his mercy petition, after the judgment of the criminal Court.

4. A perusal of the Judgment passed by the Trial Court reveals that the petitioner was acquitted only on the ground that the prosecution failed to prove its case beyond any reasonable doubt. Therefore, the benefit of doubt was given in favour of the petitioner and he was acquitted by the Trial Court. In the departmental proceedings, the petitioner was served with a charge memo ; due enquiry was conducted and it was found that the charges were proved as against the petitioner. Pursuant to the same, the petitioner was imposed with a punishment under Rule 3(b) of TNPSS (D & A) Rules 1955.

5. Therefore, this Court finds no infirmity or illegality in the punishment imposed by the third respondent. That apart, it was also confirmed by the first respondent. Further, the writ petition has been filed



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after a period of seven years from the date of rejection of his mercy petition, pursuant to the order passed by the criminal Court. Thus, the writ petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed. No costs.

04.03.2024

Index: Yes/No
Speaking Order: Yes
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To

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G.K.ILANTHIRAIYAN, J.



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