



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.10213 of 2023

and

W.M.P(MD)No.9062 of 2023

G.Tamilselvan

... Petitioner

Vs

The Superintendent of Police,
Karur District,
Karur.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for records relating to the proceedings of the respondent made in Tha.Pa.No.A4/32/2022, dated 10.03.2023 and quash the same.

For Petitioner : M/s.R.Murali

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

ORDER

The instant writ petition has been filed by a Head Constable, challenging a charge memo dated 10.03.2023.



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2.A perusal of the impugned charge memo reveals that an FIR has been registered as against the writ petitioner in Crime No.50 of 2022, wherein it is alleged that he is also one of the owners of the lorry which is said to have involved in carrying adulterated diesel. A perusal of the annexure to the charge memo does not reveal any documents to show that the petitioner is also one of the owners of the said lorry which was involved in the alleged offences. A perusal of the FIR also reveals that there is an allegation that the petitioner had instigated in carrying of such adulterated diesel. The documents annexure to the charge memo did not support any imputation of charges as against the writ petitioner.

3.Per contra, the learned Special Government Pleader appearing for the respondent had stoutly resisted the contention of the writ petitioner and contended that the writ petition challenging the charge memo is not maintainable and it is highly pre-mature in nature. He further contended that unless detailed enquiry is conducted, the involvement of the petitioner cannot be found.



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4.This Court is of the considered opinion that the charge memo or the annexure to the charge memo does not reveal any imputation of charges as against the writ petitioner except that adulterated diesel was taken in the lorry at the instigation of the writ petitioner. It could be seen that no records have been produced along with the enclosure to the charge memo indicating the nature of ownership or connection of the writ petition with the said lorry.

5.In view of the above said facts, the charge memo impugned in the writ petition is hereby quashed. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

18.10.2024

1/2

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

The Superintendent of Police,
Karur District,
Karur.



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R.VIJAYAKUMAR, J.

RJR

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18.10.2024

1/2