



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.10214 of 2023

and

W.M.P(MD)No.9078 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.33/A4/2023, dated 22.03.2023 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 22.03.2023.



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2.A perusal of the charge memo reveals that an FIR was registered as against the writ petitioner in Crime No.684 of 2022 under Sections 279, 337 and 506(i) of IPC r/w Section 3 of the TNPPDL Act. Since the petitioner was implicated in the said criminal case, a charge memo has been issued without imputing any further charges.

3.A perusal of the FIR lodged by a Government bus driver reveals that a quarrel erupted between the Government bus driver and a private bus driver with regard to the timings and carrying of passengers, in which the private bus driver is said to have attacked the Government bus driver. A perusal of the FIR further reveals that the bus driver and the owner of the bus, namely, one Karthi Raja have been arrayed as A1 & A2. The name of the petitioner has been arrayed as A3, as if he is also one of the private bus owners.

4.On verification of the records, it could be seen that the petitioner has been unnecessarily arrayed as the bus owner in the FIR without any records. The charge memo without any further imputation of charges, has been issued only based upon the fact that the petitioner has been arrayed as the third accused in the above said criminal case.



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5. In view of the above said facts, it is clear that the charge memo has been issued without looking into the relevant documents. That apart, the documents annexed to the charge memo also does not reveal that the petitioner is in any way connected with the private bus.

6. However, the learned Special Government Pleader appearing for the respondent had contended that the Court has only limited powers to entertain the writ petition, challenging the charge memo and any interference would amount to premature interference. He further contended that unless the petitioner submitted his explanation and a detailed enquiry is conducted, misconduct of the petitioner cannot be established.

7. This Court is of the considered opinion that the charge memo is bereft of any details and in fact, no documents have been annexed with the charge memo to the effect that the petitioner is also one of the owners of the private bus whose driver is involved in the incident.



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8. 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.

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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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