



W.P.(MD)No.16988 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16988 of 2024 &
W.M.P.(MD)No.14634 of 2024

S.Aravindasamy

... Petitioner

VS.

1.The Superintendent of Police,
Karur District, Karur.

2.The Director General of Police,
Head of Police Force,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 4.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with the impugned order passed in P.R.No.A4/06/2004, dated 01.02.2024, quash the same and consequently direct the first respondent to keep the disciplinary proceedings in abeyance pending disposal of the Criminal case in C.C.No.407/2024 on the file of the Judicial Magistrate, Thiruvottiyur.



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For Petitioner : Mr.C.Jeganathan
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this petition seeking to quash the impugned order of the first respondent in P.R.No.A4/06/2004, dated 01.02.2024 and to direct the first respondent to keep the disciplinary proceedings in abeyance pending disposal of the Criminal case in C.C.No. 407/2024 on the file of the Judicial Magistrate, Thiruvottiyur.

3. The petitioner has been given with the charge memo dated 01.02.2024 on the allegation of sexual harassment against a woman to whom the petitioner has sent obscene videos and demanded ransom amount and if not threatened to transmit the same in the internet.



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4. The petitioner claims that on the very same allegations, a criminal case has been registered against him and charge sheet has also been taken on file in C.C.No.407/2024 by the Judicial Magistrate, Thiruvottiyur.

5. The petitioner has filed this writ petition seeking to quash the charge memo, however, on the other hand, he wants to stay the disciplinary proceedings, which are contrary to each other.

6. Attention was drawn to the Judgment of the Principal Seat of this Court in the case of ***P.Ravikumar vs. The Deputy General Manager and another*** reported in ***2012 (1) CWC 40*** wherein, it is held as under.

"17. Thus, on comparison of the charge memo in the departmental proceedings as well as the final report filed in the criminal case, it is evidently clear that it is for one and same set of allegations that the petitioner has been proceeded with. The list of witnesses, who were to be examined on the side of the prosecution has been appended to the final report in S.Nos,1, 2 and 4 are the prosecution witnesses, who have been examined in the departmental enquiry as M.W.1 to M.W.3. Further, from the Enquiry Officer's report, it is seen that 17 documents were marked and out of the 17 documents, 5 documents have also been marked



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and relied on in the criminal proceedings. There is one hand written note in the final report stating that the remaining documents are in the custody of the Officers of the respondents-Bank."

7. Mr.J.Ashok, learned Additional Government Pleader appearing for the petitioner submitted that the disciplinary proceedings and criminal proceedings proceed on two different planes and hence, there cannot be any impediment in proceeding with the disciplinary proceedings. In support of this contention, he relied on the decision of the Apex Court in the case of ***State Bank of India and others vs. Neelam Nag and another*** reported in ***(2016) 9 Supreme Court Cases 491***.

8. No doubt, the standard of proof required for disciplinary proceedings and the criminal proceedings are different. The standard of proof required for criminal case is beyond reasonable doubt. However, for disciplinary proceedings, it is based on preponderance of probabilities.

9. In the case on hand, a woman has given a complaint stating that a third party has been sending obscene pictures of her to herself and



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sought the help of the petitioner as he is working in the Police Department. However, the petitioner also turned as a villan in due course by blackmailing the complainant by demanding money and threatening to transmit the pictures to her husband if she did not give money. So far as these allegations are concerned, while conducting the disciplinary proceedings, it is possible to get the statement of the complainant and other material particulars to prove the allegations even in the absence of any registration of criminal case. If registration of a criminal case is essentially required in view of the allegations raised in the charge memo, then necessarily the disciplinary proceedings has to stop until the investigation is completed and materials are gathered. However, the present complaint does not depend upon the criminal case even though investigation in criminal case will also be conducted parallely. If the allegations are of such a nature that the facts involved requires detailed materials that can be culled out only during an elaborate investigation, it is understandable that the criminal case should proceed before the disciplinary action. As already stated, the standard of proof required for proving the charges in the disciplinary proceedings is different from that



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of the standard of proof required for the criminal proceedings. In such circumstances, I find no reason to stop the disciplinary proceedings until the criminal proceedings are completed. Since the charges are serious in nature and the allegations made in the charge memo have got *prima facie* grounds to initiate disciplinary proceedings, I find no reason to quash the disciplinary proceedings also.

10. In view of the above stated reasons, the writ petition is **dismissed**. No costs. Consequently, connected Miscellaneous Petition is closed.

31.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To
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Karur District, Karur.
- 2.The Director General of Police,
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R.N.MANJULA, J.

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