



W.P.(MD).No.20296 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20296 of 2024

and

W.M.P.(MD) No.17219 of 2024

B.Saravanan

... Petitioner

Vs.

The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned charge memo issued by the respondent in Th.Pa.No.60/2024 signed on 23.07.2024 and quash the same.

For Petitioner : Mr.R.Anand

For Respondent : Mr.A.Baskaran
Additional Government Pleader



W.P.(MD).No.20296 of 2024

WEB COPY

ORDER

The present Writ Petition has been filed by an Inspector of Police, challenging the charge memo dated 23.07.2024 issued by the respondent under Rule 3 (b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules 1955.

2. A perusal of the charge memo reveals that the petitioner has been implicated under three counts of charges.

3. The first charge relates to the allegation that the petitioner has permitted the accused persons to carry 600 Kilograms of waste wire while taking to the Court. It is alleged that the petitioner has permitted the accused persons to shift the wires to another vehicle. According to the learned counsel appearing for the petitioner, an FIR was registered in Crime No.366 of 2022 under Sections 278 and 284 of I.P.C. The accused persons have appeared before the Court and pleaded guilty. Therefore, the question of making allegations as against the police official does not arise.



W.P.(MD).No.20296 of 2024

WEB COPY

4. As far as the second count of charge is concerned, it is alleged that the petitioner has demanded a sum of Rs.40,000/- for let the accused persons in station bail who were implicated in Crime No.363 of 2022. According to the learned counsel appearing for the petitioner, the offences were under Sections 278 and 284 of I.P.C and those offences are the bailable offences and as a matter of fact, they were let on bail. Therefore, the allegations have not been proved.

5. As far as the third count of charge is concerned, it is alleged that the petitioner has demanded a sum of Rs.1,00,000/- for not implicating the owner of the Tractor which is alleged to have been involved in sand theft. According to the petitioner, he was not the investigating Officer and hence, the allegation as against him is not true.

6. According to the learned counsel appearing for the petitioner, all the charges have been levelled as against the writ petitioner by the respondent, who had developed animosity as against the writ petitioner, in view of filing of W.P.(MD) No.19561 of 2023 seeking maternity leave as a father of the child. He further contended that the charge memo has been issued belatedly



W.P.(MD).No.20296 of 2024

after a period of two years from the date of alleged incidents. Hence, he prayed for quashing the charge memo.

7. The learned counsel for the petitioner has relied upon the judgment of this Court in W.P.Nos.19059 and 5060 of 2024, dated 26.07.2024 and contended that when the charge memo is vague, it is liable to be quashed. According to the petitioner, the third charge does not reveal the date and time of the incident and therefore, it should be considered as the vague charge memo.

8. Per contra, the learned Additional Government Pleader appearing for the respondent herein had contended that the charge Memo is only imputation of charges for which the petitioner is expected to submit his explanation. Unless the jurisdiction of the authority is questioned, the charge memo cannot be challenged. He further contended that all the grounds raised by the writ petitioner are factual in nature and therefore it has to be ascertained only during the enquiry and find out the truth behind the allegations made as against the writ petition.



W.P.(MD).No.20296 of 2024

WEB COPY

9. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

10. As far as the first count of charge is concerned, according to the petitioner, the accused have pleaded guilty and paid fine and the waste wires have been taken back by the accused persons themselves. Therefore, this Court is of the considered opinion that the allegation as against the writ petitioner is not stand the scrutiny.

11. The count of charges 2 and 3 are concerned, they relate to demanding bribe to let the accused persons on bail or not to implicate a particular person as an accused in the criminal case. As far as these allegations are concerned, they are factual disputes and they have to be ascertained only during the enquiry proceedings. In such circumstances, this Court is of the considered opinion that except charge No.1, enquiry shall be proceed with charge Nos. 2 and 3.



W.P.(MD).No.20296 of 2024

WEB COPY

12. With the above said observations, this Writ Petition stands partly allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

27.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli.



WEB COPY



W.P.(MD).No.20296 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.20296 of 2024

27.11.2024