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W.P.No.7683 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

W.P.No.7683 of 2025
and WMP.Nos.8629 to 8631 of 2025

R.Bethu

.... Petitioner

Vs

1. The Joint Commissioner of Police
Head Quarters
Greater Chennai Police
Commissioner Office,
Vepery, Chennai 600 007.
2. The Additional Deputy Commissioner
of Police,
Cyber Crime Wing (CCB)
Commissioner Office,
Vepery, Chennai 600 007.

3. Mrs.Kaveri Selvi

... Respondents

R3 deleted as per order dated 19.03.2025 in WMP.No.10147 of 2025 in
W.P.No.7683 of 2025 by CVKJ



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Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus to direct the 2nd respondent to provide the documents as per the letter of the petitioner dated 27.11.2024 and 30.11.2024 and permit him to cross examine the witnesses till such time not to give effect to the enquiry report PR.No.193/PR IV (1) 2023 dated 05.01.2024 which was received by the petitioner on 30.01.2025.

For Petitioner(s) : Mr.R.Aparna

For Respondent(s) : Mr.M.Shajahan
Special Government Pleader
for R1 & R2

ORDER

This writ petition has been filed for issuance of a writ of mandamus to direct the 2nd respondent to provide the documents as per the letter of the petitioner dated 27.11.2024 and 30.11.2024 and permit him to cross examine the witnesses till such time not to give effect to the enquiry report PR.No.193/PR IV (1) 2023 dated 05.01.2024 which was received by the petitioner on 30.01.2025.



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2. The writ petitioner had initially impleaded his wife

Mrs.Kaveri Selvi as the third respondent. This Court had directed that the said respondent is not a necessary party to adjudicate on the issues raised in the writ petition and thereafter WMP.No.10147 of 2025 had been filed to delete the third respondent and the third respondent had been deleted as per order of this Court dated 19.03.2025.

3. In the affidavit filed in support of the writ petition, it had been contended that the petitioner is working as Sub Inspector of Police at P-5 M.K.B. Nagar Police Station, Chennai. He further claimed that his marriage with the third respondent was solemnised as per Hindu customs and rights on 31.05.1989 and three children were born to them. The third respondent had also been working in the Police department and she retired in June 2023. It had been stated that the 3rd respondent had filed HMOP.No.50 of 1992 before the Sub Court, at Periyakulam, Theni district seeking divorce. It had been stated that the third respondent further filed HMOP.No.631 of 2021 seeking restitution of conjugal rights before the Sub Court at Poonamallee which is pending. The third respondent had also filed M.C.No.65 of 2023 before the Family Court at Theni claiming



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maintenance. It had also been stated that the daughter of the petitioner had given a complaint against the petitioner of adultery. It had been stated that more than ten complaints have been lodged against the petitioner. The petitioner was served with a charge memo on 05.01.2024. An enquiry officer was initially appointed and he was then replaced and a new enquiry officer called upon the petitioner to appear for enquiry on 24.07.2024. The petitioner claims that he had been seeking for copies of the documents on which the enquiry was to be conducted.

4. The petitioner had earlier filed W.P.No.25204 of 2024 seeking a direction to conduct the enquiry within a time frame after furnishing all documents as sought by him in letter dated 06.08.2024. A learned single Judge of this Court had directed that the petitioner should appear before the 2nd respondent therein, the Additional Deputy Commissioner of Police, Cyber Crime Wing (CCB) Commissioner Office, Chennai on 10.09.2024 and on the date of that appearance the petitioner should be furnished with copies of documents and thereafter the dates shall be determined for conducting the enquiry and the disciplinary proceedings should be concluded within a period of twelve weeks thereafter. It had been stated



that the documents had actually not been furnished to the petitioner herein but signatures had been obtained in papers as if the documents had been furnished to the petitioner. But this particular statement had been made by the learned counsel and not stated in the affidavit filed in support of the writ petition.

5. In the writ petition, the writ petitioner has again sought copies of the documents to be served in accordance with the letters given on 27.11.2024 and 30.11.2024. The enquiry had commenced and concluded and final orders will have to be now passed. The petitioner claims that the final order should not be passed and that he must be permitted to cross examine the witnesses.

6. On the side of the respondents, however, it is claimed that documents had been furnished and a letter dated 13.09.2024 issued by the petitioner had been produced wherein he had admitted that he had received 15 documents relied on by the respondents. The list of documents have been given. The letter is in hand writing of the petitioner. The letter had been signed by the petitioner. The date had been given. He had also given



his name in Tamil quite apart from signing it in English. He had also given the list of documents which had been received by him. This particular letter had not been disclosed in the affidavit filed in support of the writ petition. Even if the signature had been obtained by the petitioner without furnishing the documents, then that is all the more reason why the petitioner should have referred to this particular letter in the affidavit. He would have raised an objection that signatures had been obtained by him as if documents had been served but documents had not been received by him. No such averments had been made by the petitioner in his affidavit. The learned counsel cannot expand the case of the petitioner by arguing points which had not been averred in the affidavit.

7. The learned counsel for the petitioner stated that the third respondent who is no longer a party to the writ petition had applied pressure on the police constable. These are all aspects which are extraneous to the relief sought in the present writ petition. The relief sought in the present writ petition is only to provide documents as sought in the letter dated 27.11.2024 and 30.11.2024. Unfortunately, that request cannot be granted since the petitioner had acknowledged that he had



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received the documents on 13.09.2024 and had given an acknowledgement

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in a letter written by him in his own hand writing by giving the list of documents which he had received. There is suppression of material fact in the affidavit. The petitioner will have to face the enquiry process. He does not gain anything by avoiding the enquiry process. Enquiry had been completed. The respondents may initiate further procedure in accordance with procedure established.

8. I find no merits in the writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

03.04.2025

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Index : Yes /No

Speaking Order : Yes/No



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C.V.KARTHIKEYAN, J.

dpq

To

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