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W.A.No.1342 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.No.1342 of 2023

The Superintendent of Police
Tiruppur District.

.. Appellant

Vs.

K.Ramaswamy

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 02.01.2023 made in W.P.No.15417 of 2016.

For the Appellant : Mr.M.Alagu Gowtham
Government Advocate

For the Respondent : Mr.A.Sundara Vadhanan

JUDGMENT

(Judgment of the Court was authored by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 02.01.2023 made in W.P.No.15417 of 2016.

2. That one *K.Ramaswamy*, who is the respondent herein, was working as Inspector of Police. In the year 2001, that is on 30.04.2001, there was a road accident at Udumalpet-Pollachi Main Road, Polarpatti Village, where, initially, as per the investigation,



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the vehicle bearing Registration No. TN 41 9746, a 407 van was involved, result of which one *Kaleeswaran* died. On this basis, investigation went on.

3. The respondent *Ramaswamy* was the Investigating Officer, who laid the charge-sheet before the concerned Magistrate Court, where, after his investigation, he framed charges in Crime No.257/2001 for the alleged offences punishable under Sections 277 and 304(A) of the Indian Penal Code by showing the vehicle bearing Registration No. TN 33 X 2747, which is also a 407 vehicle and the Driver was one *K.Govindaraj*.

4. In this context, in the year 2016, that is on 02.03.2016, the charge-memo has been issued by way of Departmental Proceedings by the appellant Department to the respondent, which was under challenge before the Writ Court. The learned Writ Court, by the order dated 02.01.2023, allowed the said writ petition by quashing the said charge memo dated 02.03.2016 mainly on the ground of delay in laying the charge-memo, as it has been laid after sixteen years from the date of occurrence.

5. Aggrieved over the said order passed by the Writ Court, the



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present appeal has been directed.

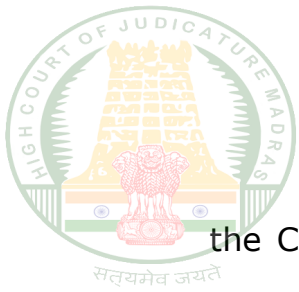
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6. Heard *Mr.M.Alagu Gowtham*, learned Government Advocate for the appellant and *Mr.A.Sundara Vadhanan*, learned counsel for the respondent.

7.1. Certain facts have been revealed before us now, which have to be traversed.

7.2. That on 30.04.2001, at 3.00 pm, the accident was taken place. Pursuant to which, investigation went on and charge-sheet was filed against the Driver of the vehicle for the alleged offence punishable under Sections 277 and 304(A) of the Indian Penal Code. According to the charge-sheet, which was filed by the respondent/writ petitioner, a 407 vehicle bearing Registration No. TN 33 X 2747 was involved. Based on the said charge-sheet, of course, upon the guilty pleaded by the Driver of the vehicle, he has been convicted by imposing penalty by the Competent Court. Therefore, that has ended in conviction.

7.3. However, after some years, there has been a direction to



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the CB-CID by the order of this Court in some other related cases on the complaint that there has been bogus claims made by the claimants against the Insurance Company in various cases throughout Tamil Nadu and the Division Bench of this Court in W.P.No.7389 of 2005 and etc. batch in the case of ***The Director, Central Bureau of Investigation, New Delhi, vs. National Insurance Company Limited and Ors.***, directed the CB-CID to investigate the matter thoroughly and to take action in accordance with law.

7.4. Only pursuant to such directions which was issued by the Division Bench, as stated *supra*, the CB-CID has taken up the matter for investigation and after taking up the matter, the CB-CID found that in many of the cases, such kind of false claims have been made.

7.5. The accident that has taken place on 30.04.2001, that is the accident in question now, also is one of such accident which was also investigated by the CB-CID and they found that some wrong claim has been made by the claimants. Hence, criminal case has been filed against them, that is the claimants, as well as the owner and Driver of the vehicle bearing Registration No. TN 33 X 2747.



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7.6. A criminal case in C.C.No.205 of 2011 on the file of Chief Judicial Magistrate, Coimbatore, was tried and after trial, the accused were acquitted. However, after the acquittal registered on 14.12.2012, subsequently, the Director General of Police seems to have taken up the matter and directed the appellant herein to initiate Disciplinary Proceedings against the respondent/writ petitioner.

7.7. That is how the charge-memo, after prolonged file movement, was issued only in the year 2016. Thereafter, the respondent attained superannuation on 31.08.2017, where, he was permitted to retire from service, however, without prejudice to the pending Disciplinary Proceedings against him.

7.8. Only under this circumstances, the charge-memo dated 02.03.2016, issued against the respondent/writ petitioner, since was challenged mainly on the ground of delay. That ground was accepted by the Writ Court and the charge-memo was quashed through the impugned order dated 02.01.2023.

8. Insofar as the delay caused for filing the charge-memo only



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in the year 2016 for the occurrence that took place in the year 2001

is concerned, explanation has been given by the appellant Department stating that even though in the year 2001 the occurrence took place, subsequently, investigation has been taken up by the CB-CID only pursuant to the judicial order passed in the year 2009. Pursuant to which, the CB-CID completed investigation and started filing charge-sheets at various Courts in the State of Tamil Nadu only in the year 2012.

9. Therefore, in this case also, C.C.No.205 of 2011 was filed only in the year 2011. Only thereafter, in the year 2012, the Director General of Police has taken up the matter and has given directions to the Superintendent of Police, who is the Disciplinary Authority, to initiate action against the respondent/Inspector of Police and thereafter, the file movement has been made, which has also been covered in paragraph 9 of the impugned order itself by the learned Judge and therefore, the learned Judge, since has accepted the justification of the delay between 2012 and 2016, the period between 2001-2012 has not been explained, according to the learned Judge, however, presently, even that period also could be explained because of these developments, the learned Government Advocate submits.



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10. Even though the learned Writ Court has allowed the said writ petition only on the ground of delay, insofar as the other aspects are concerned, that is on the merits of the case, the charge-sheet framed against the respondent/delinquent is that he has produced the vehicle bearing Registration No TN 33 X 2747, that is the wrong vehicle. However, based on the charge-sheet that has been filed for the alleged offences under Sections 279 and 304(A) of the Indian Penal Code against the Driver of the vehicle bearing Registration No. TN 33 X 2747, that charge-sheet ended in conviction.

11. That apart, when CB-CID filed a charge-memo in C.C.No.205 of 2011 before the Chief Judicial Magistrate Court, Coimbatore, four people were shown as accused, who are the claimants in the Insurance Company and the remaining two are the Owner and Driver of the vehicle. All of them also were acquitted by the decision of the Chief Judicial Magistrate Court dated 14.02.2012. Even in that case, the respondent/writ petitioner has not been arrayed as one of the accused. Therefore, there is absolutely no basis for showing any finger against the respondent/writ petitioner, who was working as Inspector of Police



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as if that he has violated the Code of Conduct by bringing the wrong vehicle, that is TN 33 X 2747, for the purpose of enabling the claimants to get the wrong claim from the Insurance Company.

12. When that being the position, there has been no basis for framing charges against the respondent/writ petitioner, that too, after sixteen years. Hence, if not on the ground of delay, even on merits also, after having analyzed all these factors, this Court feels that the charge-sheet has no legs to stand and therefore, on that ground itself the charge-sheet is liable to be set aside. Hence, if not for the reason stated by the learned Judge in the impugned order, the conclusion reached by him is to be accepted because of the reasons which we have discussed hereinabove. Resultantly, there is no ground to interfere with the order passed by the Writ Court and hence, this appeal fails. Accordingly, it is dismissed. However, there is no order as to costs. Consequently, C.M.P.No.13122 of 2023 is closed.

(R.S.K., J.) (A.D.M.C., J)
26.03.2025

Neutral Citation:Yes/No

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A.D.MARIA CLETE, J.

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