



WEB COPY

W.A.No.2281 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.A.No.2281 of 2022

J.Anbucheziyan
S/o M.Jayaraman

..Appellant

Vs.

1. The Director General of Police,
Mylapore,
Chennai - 600 004.

2. The Joint Commissioner of Police,
North Zone, Perambur,
Chennai - 600 011

3. The Deputy Commissioner of Police,
Washermenpet,
Chennai.

..Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent as against the order of this Court passed in W.P.No.16910 of 2009 dated 06.03.2019.

For Appellant : Mr.J.B.Solomon Peter Kamal Doss.

For Respondent : Mr.P.Kumaresan, Addl. Advocate General
assisted by Mr.M.Rajendran, Addl.G.P.



JUDGMENT

(The judgment of the Court was made by J.Nisha Banu,J.)

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The petitioner in the writ petition has filed this writ appeal seeking to set aside the order passed in W.P.No.16910 of 2009 dated 06.03.2019.

2. The writ petition has been filed by the appellant/petitioner, who was working as Grade-I constable, seeking to quash the orders passed by the respondents and to direct the respondents to reinstate the petitioner into service with all service and monetary benefits. The Writ Court, dismissed the writ petition, on the ground that the petitioner did not give his explanation, denying the charges levelled against him and thus, the impugned orders passed by the respondents need no interference. Hence, the present writ appeal has been filed by the appellant to set aside the order passed in the writ petition.

3.1 Learned counsel for the appellant would state that the appellant had received the charges and denied the charges levelled against him and only on his denial, departmental enquiry was conducted and the appellant participated in the departmental enquiry and contested the charges. Therefore, the dismissal of the writ petition on the sole ground

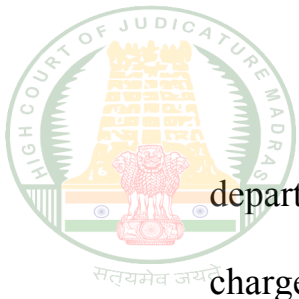


that the petitioner has not given his explanation denying the charges is not justifiable.

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3.2 Learned counsel for the appellant would further state that the appellant seized the vehicle with stolen goods and based on the same, a case was registered in Cr.No.194 of 2006 and the driver of the vehicle was arrested by the Inspector of Police/P.W.1. A complaint was received in police custody. The driver/P.W.2 also admitted in his deposition that he transported stolen goods. The complaint was obtained only on the instigation of the Inspector, who was having grudge over the appellant. Learned counsel would further state that no material evidence was placed to prove the alleged receipt of Rs.100/- from the driver/P.W.2. All the witnesses examined by the department are regular offenders and were facing cases, which are under investigation by P.W.1 Inspector of Police. The punishment imposed on the appellant is a capital punishment, for which, the prosecution ought to have established the case with material evidence but the same was not done. The appellate authority has not considered the same and no reason was given as to why the appeal of the appellant cannot be accepted. Hence, the learned counsel would pray to set aside the order passed in the writ petition.

3.3 Learned Additional Advocate General appearing for the respondents would state that the appellant, who was working in police



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department, was in the habit of demanding illegal gratification and hence, charges were framed and both the charges levelled against the appellant are proved. The appeal filed by the appellant was also rejected. The Writ Court, on taking note of all the factual aspects of the case, dismissed the writ petition. Therefore, he would pray to dismiss the appeal confirming the order passed by the writ Court.

4. Heard both sides and perused the materials available on record.

5. On perusal of the records, it is seen that the first charge is that the appellant was in the habit of demanding Rs.50/- and Rs.100/- from one Sori Kuppan/P.W.2 and 2 others as bribe and when they refused to give, he abused them. The second charge is that the appellant demanded bribe for which Moorthy and Rahim Basha gave Rs.100/- and not satisfied with the same, he further demanded a sum of Rs.500/- as bribe and when they did not pay the same, he abused them.

6. The writ Court dismissed the writ petition mainly on the ground that the delinquent has not given his explanation denying the charges levelled against him. According to the appellant, he had sent representation to the Deputy Commissioner of Police and requested that



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he will submit his explanation after completion of the enquiry and thereafter, he submitted his explanation on 21.09.2007, but the same has not been considered. Further, according to the appellant, the statement of the three witnesses are contradictory to each other, however, the enquiry officer, without appreciating the same, held that the charges are proved.

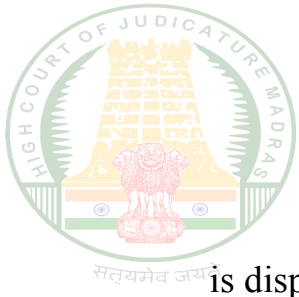
7. Insofar as the first charge is concerned, the complaint was obtained from one Kuppan/driver/P.W.2 in police custody. In the cross examination, P.W.2-Kuppan had admitted that the appellant produced him and others at about 2.30 p.m. and were sent for remand only on the next day. According to the appellant, the Inspector of Police was already having vengeance against him since he did not act as a driver to him. Out of the five witnesses, one witness is the Inspector of Police and the other is the Sub- Inspector of Police and the other three witnesses are accused in Cr.No.194 of 2006 and no other independent witnesses were examined. Thus, according to the appellant, the enquiry was not conducted in a proper manner.

8. Further, based on the minutes drawn by the Assistant Commissioner of Police, the Deputy Commissioner/3rd respondent, issued the order dated 31.10.2007 awarding the punishment of removal from



service. The appellant appealed before the Joint Commissioner/2nd respondent, who in turn, agreed with the reasoning and conclusion reached by the Deputy Commissioner and confirmed the order of punishment of removal from service and dismissed the appeal. The Director General of Police also confirmed the orders passed by the 2nd and 3rd respondents.

9. The appellant had entered into service as Grade II Police Constable on 25.10.1984 and subsequently, promoted as Grade-I Constable in the year 1998 and had rendered 24 years of service. Though the charges have been held proved, considering the peculiar facts and circumstances of the case and also considering the long service rendered by the appellant, we are of the opinion that if the appellant is inflicted with the punishment of dismissal from service, it would cause great prejudice to him without any monetary benefits. Therefore, we are inclined to modify the punishment of dismissal from service to that of compulsory retirement. Accordingly, the order of dismissal from service is modified as compulsory retirement. We make it clear that this judgment should not be cited as a precedent as the same is passed on its own merits.



W.A.No.2281 of 2021

10. With the above modification in punishment, the Writ Appeal

is disposed of. No costs.

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[J.N.B.,J.] [M.J.R.,J.]
11.08.2025

vsi

Speaking order/Non-speaking order

Neutral Citation: Yes/No



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W.A.No.2281 of 2021



J.NISHA BANU,J.
AND
M.JOTHIRAMAN,J.

Vsi

W.A.No.2281 of 2022

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