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W.A.No.2876 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL

W.A.No.2876 of 2023

1. The Director General of Police
O/o. The Director General of Police
Dr. Radhakrishnan Salai, Mylapore
Chennai – 600 004.

2. The Commissioner of Police
Greater Chennai Police, No.132
Commissioner Office Building
E.V.K. Sampath Salai, Vepery
Chennai – 600 007.

3. The Deputy Commissioner of Police
Armed Reserve Police, Egmore
Chennai – 600 008.

.. Appellants

Vs.

S. Velavendhan

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 15.09.2022 in W.P.No.9844 of 2019.

For the Appellants : Mr.P.Kumaresan
Additional Advocate General
assisted by Mrs.S.Anitha
Special Government Pleader

For the Respondents : Mr.L.Chandrakumar
for Mr.M.Saravanan



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JUDGMENT

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

This intra-Court appeal has been directed against the order passed by the Writ Court dated 15.09.2022 made in W.P.No.9844 of 2019.

2. That the respondent herein was the writ petitioner, who was working as a Police Constable, against whom, Disciplinary Proceedings were initiated by framing two charges at the instance of one *Eswari*, claiming to be the wife of the respondent/writ petitioner.

3. The sum and substance of the charges was that the respondent/writ petitioner demanded dowry of a sum of Rs.1 lakh and 20 sovereign of gold from the said *Eswari* and since the same was not given, the respondent/writ petitioner, along with his brother one *Mohan*, abused *Eswari* in filthy language. These are the two charges based on the complaint given by *Eswari*, having been framed against the respondent/writ petitioner, pursuant to which, an Enquiry Officer was appointed and enquiry was conducted.

4. Before the Enquiry Officer, except the said *Eswari*, no other



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evidences, either document wise or orally, have been adused on behalf of the prosecution and only based on the statement given by the said Eswari, the Enquiry Officer has held the charges been proved and based on which, the third appellant had imposed the punishment of 'dismissal from service' against the respondent/writ petitioner, which has been confirmed by the Appellate Authority, namely the first appellant.

5. Aggrieved over this order, the writ petition had been filed, which was considered by the learned Writ Court. First of all, there has been no evidence to establish that the said *Eswari* was the legally wedded wife of the respondent/writ petitioner and in fact, the respondent/writ petitioner has married one *Rajalakshmi* and in order to establish the said fact, documents and proofs have been filed, which has been extracted by the learned Judge in paragraph 11 of the order impugned, which would speak for itself, which includes Marriage Invitation, Marriage Registration Certificate and etc. Therefore, insofar as the respondent/writ petitioner is concerned, he married the said *Rajalakshmi* and has been peacefully living with her.

6. But, at the same time, since punishment has been awarded



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against him, that too a maximum punishment of dismissal from service, only based on the complaint given by the said *Eswari*, who has not been proved as the legally wedded wife of the respondent\writ petitioner, the question of demanding any dowry from her does not arise. Therefore, there is no basis for the charges itself. This has mainly influenced the mind of the Writ Court, therefore, even for satisfying the theory of preponderance of probabilities, there has been no *prima facie* evidence to establish the case against the respondent\writ petitioner. Hence, the learned Writ Court has come to the conclusion that the punishment awarded against him, that too a maximum punishment of dismissal from service, is harsh and would shock the conscience of the Court.

7. It is pertinent to mention that at the time when the punishment was awarded against the respondent/writ petitioner, parallelly, a criminal case which was pending against him was under Trial, but subsequently, during the pendency of the writ petition, the said criminal case ended in acquittal. This has been brought to the notice of the learned Judge, which has also been taken into account by the learned Judge in the order impugned.



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8. After having gone through these factors and after analyzing the factual matrix, which establishes clearly that there has been no matrimonial relationship between the said complainant *Eswari* and the respondent/writ petitioner, the question of dowry demand would not have arisen. Therefore, there is no basis for such complaint and the second charge, that they used filthy language against the said *Eswari*, since the Trial Court in the criminal case has acquitted and there is no corroborative evidence even for preponderance of probabilities, even that charge, said to have been proved as stated by the Enquiry Officer, may not be justifiable, hence, the learned Judge has come to the conclusion that the punishment awarded against the respondent/writ petitioner is not only harsh, but also liable to be interfered with, hence, the learned Writ Court has rightly interfered with the said judgment.

9. But, at the same time, the learned Judge of the Writ Court has observed that if not the said *Eswari* has been the legally wedded wife of the respondent/writ petitioner, the evidences establish that there has been some connection between them, but anyhow, now, the respondent/writ petitioner is living with the legally wedded wife one *Rajalakshmi* peacefully, however, in view of



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the said connection between them, at least some punishment has to be imposed, as he cannot be made to go scot-free. Therefore, the learned Writ Court has modified the punishment from 'dismissal from service' into 'reduction of one rank', that too, without payment of any backwages.

10. In our considered view, this modified punishment itself is a major punishment, even for such account of connection between the respondent/writ petitioner and the said *Eswari*. Therefore, if at all that modified punishment is on the higher side or harsh or unwarranted, an appeal could have been filed by the respondent/writ petitioner, but no such appeal since has been filed by them, the respondent/writ petitioner himself has accepted the modified punishment given by the Writ Court.

11. When that being so, we do not want to make any comments on that, except to confirm the view expressed by the learned Judge and the modified punishment given by the Writ Court through the order impugned, as a result of which, this appeal fails and hence, is liable to be dismissed, accordingly, it is dismissed.



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12. It is informed by *Mr.L.Chandrakumar*, learned counsel for the respondent/writ petitioner that despite the order having been passed by the Writ Court which is impugned herein, probably because of the pendency of this writ appeal, the appellant Department, so far, has not complied with the order of reinstating the respondent writ petitioner.

13. If the respondent/writ petitioner is not reinstated so far, he shall be reinstated within a period of two months from the date of receipt of a copy of this order. Except this direction, in all other aspects, the order passed by the Writ Court, which is impugned herein, shall be confirmed and shall remain in force.

14. There shall be no order as to costs. Consequently, C.M.P.No.23921 of 2023 is closed.

(R.S.K., J.) (P.D.B., J)
11.08.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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R. SURESH KUMAR, J.
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P. DHANABAL, J.
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