



WEB COPY



W.P.No.24382 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.24382 of 2025
and
W.M.P.Nos.27437 of 2025

N.T.Senthilkumar

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai – 606 604.

2.The Deputy Superintendent of Police,
Cheyyar Sub Division,
Tiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned Charge Memo 22.04.2025 made in Na.Ka.H2/PR No.32/2025 issued by the 1st respondent, quash the same.

For Petitioner : M/s.R.Renukadevi

For Respondents : Mr.G.Nanmaran
Special Government Pleader



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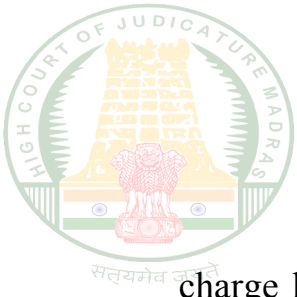
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ORDER

The instant writ petition has been filed with a prayer for issuing a certiorari to call for the records relating to the impugned Charge Memo 22.04.2025 made in Na.Ka.H2/PR No.32/2025 issued by the 1st respondent, quash the same.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The learned counsel for the petitioner would submit that the petitioner was charged under Section 226 of the Bharatiya Nyaya Sanhita, 2023, for the alleged act of climbing on an overhead water tank and insisting on the presence of the District Collector, Thiruvannamalai, to resolve a property dispute, as per Crime No. 590 of 2024. It is the submission of the petitioner that, on the very same charge and set of facts, a charge memorandum dated 22.04.2025 was served, whereas the FIR in Crime No.590 of 2024 had already been quashed by an order dated 05.03.2025. Therefore, the learned counsel contends that, when the criminal



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charge has already been quashed, initiating disciplinary proceedings on the same set of facts is not maintainable. Hence, he prays for interference with the said proceedings.

4. At this juncture, the learned Special Government Pleader appearing for the respondents would strongly object to the said submission and contend that, although the charge under Section 226 of the Bharatiya Nyaya Sanhita, 2023 has been quashed in CrI.O.P.No.6206 of 2025, a perusal of the averments made in the petition, as extracted in paragraph No.2 of the order, shows that the petitioner climbed on the overhead water tank and insisted for the presence of the District Collector, Thiruvannamalai, to resolve the property dispute. This fact is not seriously disputed.

5. It is the further submission of the learned Special Government Pleader for the respondents that the charge is not for an attempt to commit suicide but only on the ground that he has claimed upon the overhead tank and insisted upon the Collector to come to the spot to resolve the property dispute. Therefore, the mere quashing of the FIR will no way impact upon the disciplinary proceedings pending against the petitioner. Furthermore, the



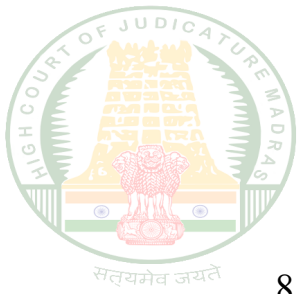
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quashing of the FIR alone cannot be a ground to quash the disciplinary proceedings, as the standard of proof and scope in criminal prosecution and departmental proceedings are not similar.

6. I am in full agreement with the submissions made by the learned Special Government Pleader for the respondents. As rightly contended, paragraph No.2 of the impugned order reflects that the petitioner's act of climbing the overhead water tank and insisting on the Collector's presence is not seriously in dispute.

7. In view of the above submissions, although there is a reference to an attempt to commit suicide in the charge, it reveals that the emphasis is on the conduct and attitude of the petitioner, who is a member of the uniformed services. Therefore, this Court does not find any merit in the writ petition. It is made clear that any observations made in this order shall not be taken into consideration during the disciplinary proceedings, as those findings are limited to the adjudication of the present writ petition.



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8. At this juncture, the learned counsel for the petitioner seeks the indulgence of this Court to direct the respondents to conclude the disciplinary proceedings within a reasonable time.

9. Hence, this Court directs the respondents to conclude the disciplinary proceedings within a period of three months from the date of receipt of a copy of this order.

10. In result, this writ petition is dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

07.07.2025

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

1.The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai – 606 604.

2.The Deputy Superintendent of Police,
Cheyyar Sub Division,
Tiruvannamalai District.



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C.KUMARAPPAN, J.

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