



WEB COPY

WP No. 24587 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 24587 of 2025

1. A.Arun
S/o. Appukuttan

Petitioner(s)

Vs

1. The Secretary To Government
Home (Police VI), Department,
Secretariat, Chennai 600 009.

2.The Director General Of Police,
Head Police Force Tn
Chennai 600 004.

3.The Commissioner Of Police
Greater Of Chennai City Police,
Chennai -7

4.The Deputy Commissioner Of Police
Armed Reserve I,
Greater Chennai Police Chennai 7

Respondent(s)

**PRAYER**

Calling for records relating to the order in Pro Rc No. 3926371/AP-3(2)/2023 dated 01.06.2023 passed by the 2nd respondent and (2) order dated 06.02.2016 of the 4th respondent in P.R.No. 156/3(2) /2015 to quash the same and to issue consequential directions to the respondents to restore the increments withheld grant notional up gradation as police constable Grade I w.e.f the year 2022 with retrospective effect from the date of up gradation of immediate junior of the petitioner fix his pay on that basis all within a limited time frame and with consequential benefits and pass.

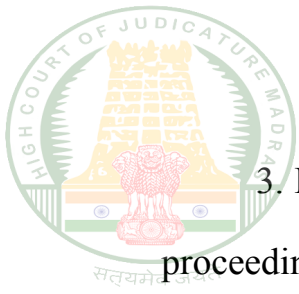
For Petitioner(s): M/s. J.Muthukumaran

For Respondent(s): Mr.R.U.Dinesh Raj Kumar
A.G.P., For R1 To R4

ORDER

The instant writ petition has been filed to quash the impugned final order dated 01.06.2023 passed in disciplinary proceedings Rc.No.3926371/AP-3(2)/2023, in light of the subsequent acquittal obtained by the petitioner on a similar set of facts.

2. It is the submission of the petitioner that he was issued with a charge memorandum on 23.10.2015, based on the FIR filed against him in respect of the altercation between the petitioner and one Mr. Sunil Kumar. The learned counsel for the petitioner submits that the petitioner was imposed with a punishment on 06.02.2016, namely, withholding of increment for three years with cumulative effect.

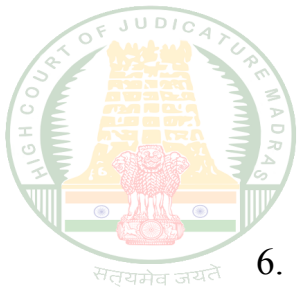


3. It is the specific submission of the petitioner that the entire disciplinary proceeding was initiated based on the FIR registered under FIR.No.843 of 2025.

Even in the final order, it has been categorically stated that if the criminal case is proved, the punishment would be reviewed. However, in the case in hand, the petitioner was acquitted, but despite the specific reference that the order of the disciplinary authority would be reviewed subject to the outcome of the criminal proceedings, being not considered. Hence, the learned counsel prays to quash the impugned order and direct the respondents to reconsider the final order in the backdrop of the acquittal passed in the criminal case. In support of his contention, the learned counsel for the petitioner has relied upon the judgment of the learned Single Judge passed in W.P.(MD).No.26037 of 2023 dated 20.11.2023.

4. Per contra, the learned Additional Government Pleader would vehemently contend that though there is an acquittal by the trial Court, the witnesses who spoke about the occurrences before the disciplinary authority, turned hostile before the criminal Court. Therefore, the order of acquittal has no relevance for reconsideration of the final order passed by the disciplinary authority.

5. I have given my anxious consideration to the submissions made by both sides.



WEB COPY

6. The very findings of the disciplinary authority are based on the evidence of the victim, Mr. Sunil Kumar. While reading the final order, the disciplinary authority fully relied upon the statement made by Mr. Sunil Kumar and other witnesses. However, while looking at the judgment of the criminal Court, which was passed on 18.11.2016, Mr. Sunil Kumar turned hostile, and no other witnesses were examined except the investigating officer. Since the main witness, Sunil Kumar, did not support the prosecution, the case ended in acquittal. It is a well-settled principle of law that any acquittal passed on the basis of hostile witnesses cannot be relied upon for setting aside the final order passed by the disciplinary authority, and apart from that, there is a huge delay of nearly nine years in filing the present petition, as the criminal Court acquitted the petitioner on 18.11.2016. Therefore, this Court does not find any merit.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

08-07-2025

gd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WEB COPY

WP No. 24587 of 2025





To
WEB COPY

- 1.The Secretary To Government
Home Police Vi Department,
Secretariat, Chennai 600 009.
- 2.The Director General Of Police,
Head Police Force Tn Chennai 600
004.
- 3.The Commissioner Of Police
Greater Of Chennai City Police,
Chennai -7
- 4.The Deputy Commissioner Of Police
Armed Reserve I, Greater Chennai
Police Chennai 7



WEB COPY

WP No. 24587 of 2025



C.KUMARAPPAN J.

gd

WP No. 24587 of 2025

08-07-2025