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W.P.No.32488 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 32488 of 2025

&

W.M.P.Nos. 36407 & 36410 of 2025

T.Shyam sundar

...Petitioner

Vs.

The Deputy Inspector General of Police

Villupuram Range,

Villupuram

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issue of Writ of Certiorari, calling for the records of the respondent in its R.O. No. 294/ 2022 C.No. 82/2027 / 2022 dated 21.09.2022 and quash the same in the light of the acquittal in the criminal case in Special case No. 8/2023 by the Chief Judicial



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Magistrate, Special Judge, Cuddalore dated 03.12.2024 and direct immediate reinstatement of the petitioner as Inspector of Police.

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For Petitioner : Mr. V.Vijayashankar
For respondent : Mr. G.Nanmaran
Special Government Pleader.

ORDER

The Writ Petition is filed for the following relief:

“calling for the records of the respondent in its R.O. No. 294/ 2022 C.No. 82/2027 / 2022 dated 21.09.2022 and quash the same in the light of the acquittal in the criminal case in Special case No. 8/2023 by the Chief Judicial Magistrate, Special Judge, Cuddalore dated 03.12.2024 and direct immediate reinstatement of the petitioner as Inspector of Police”.



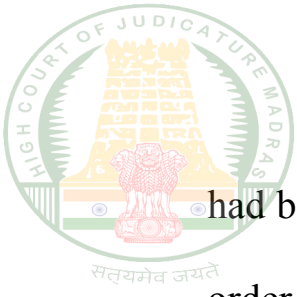
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2. It is the case of the petitioner that while he was working as Inspector of Police, Kullanchavadi Police Station, Neyveli Sub Division, Cuddalore, a false case was registered against him by V & AC, Cuddalore, that he had demanded and accepted a sum of Rs.5,000/- as bribe from history sheeter by name S.Srikanth. The petitioner was placed under suspension by order dated 21.09.2022.

3. The petitioner had approached this Court by filing WP.No.5737 of 2023 and by order dated 24.02.2023 this Court had directed the 1st respondent to consider the petitioner's application dated 26.01.2023 seeking revocation of suspension order in accordance with the instructions of the Government in GO.Ms.No.81 dated 04.08.2022 and pass orders.

4. Thereafter, by order dated 25.03.2023 the respondent declined to revoke the suspension compelling the petitioner to file WP.No.33558 of 2023. Taking note of the fact that the charge sheet



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had been filed in the criminal case and the matter was ready for trial by order dated 05.06.2024 this Court was pleased to direct the Chief Judicial Magistrate, Cuddalore to expedite the hearing of the case in Special CC.No.8 of 2023, within four months.

5. By Judgement dated 03.12.2024, the Chief Judicial Magistrate, Cuddalore, had found that the petitioner herein was not guilty of the offence as the prosecution had not been able to establish the fact that the petitioner had demanded and accepted a illegal gratification. The petitioner had been honourably acquitted.

6. Pursuant to the orders of the acquittal the very order of suspension becomes untenable and had to be recalled. However, instead of recalling the suspension order the respondent has issued the petitioner with charge memo dated 06.01.2025 for the very same allegation.



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7. The petitioner would submit that despite being acquitted he has been under suspension for over 3 years from September 2022. The suspension itself was only on account of criminal case in Crime No.8 / 22, pending before the Criminal Court and once he is honourably acquitted, the suspension order had to be recalled.

8. The petitioner would submit that he is due to retire in June 2026 and many of his juniors have secured promotion overlooking him. Therefore, since the criminal case is ended in honourable acquittal, the petitioner seeks to quash the same and direct his reinstatement.

9. Mr.V.Vijayashankar, learned counsel for the petitioner would submit that the suspension order had been ordered only by reason of the fact that a case under the Vigilance and Anti Corruption in Cr.No.8 of 20223 was pending. The learned Chief Judicial Magistrate, Cuddalore on considering the evidence both oral as well as documentary had proceeded to held that the prosecution has failed to



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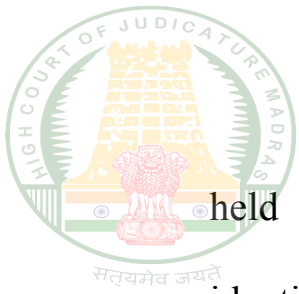
prove payment and acceptance of illegal gratification by the petitioner herein from the defacto complainant.

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10. It is after the petitioner has sought for reinstatement that the respondent has initiated the department enquiry in respect of the very same allegations.

11. He would would rely upon the Judgement of the Hon'ble Supreme Court reported in **2024 (1) SCC 175 – Ram Lal Vs. State of Rajasthan and others**, wherein the Hon'ble Supreme Court has held that where charges in the departmental enquiry and criminal enquiry are identical and the evidence, witness, circumstances are same then the disciplinary proceedings would be unjust, unfair and oppressive.

12. This Court in the Judgement in **WP.Nos.24167 & 24170 of 2024 – S.Vijayasekar Vs. The State of Tamil Nadu, Rep by its Principal Secretary to Government**, was considering a similar case and relying upon the aforesaid Judgement of the Hon'ble Supreme Court,



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held that where the departmental proceedings are initiated on the identical set of facts and if the criminal proceedings ended in favour of the officer he cannot be subject once again to disciplinary proceedings on the same set of facts. Therefore, he would submit that the petitioner is also entitled to the same consideration as set out in the above Judgement.

13. Mr. G.Nanmaran, Special Government Pleader would submit that even after the order of acquittal is passed in the criminal case, it will not affect the disciplinary proceedings in any manner and there is absolutely no bar for the respondent to proceed further with the departmental proceedings.

14. Heard the learned counsels on the either side and perused the records.

15. From a mere perusal of the suspension order and the charge memo now issued it is crystal clear that not only is the petitioner being

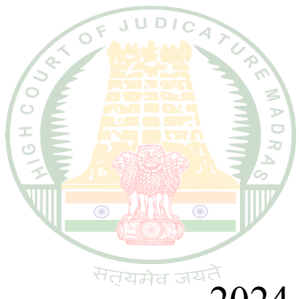


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proceeded for the very same set of facts but the evidence that has been let in is also the same. The Chief Judicial Magistrate has considered in extenso the evidence and honourably acquitted the petitioner.

16. In the Judgement of Ramlal referred supra the Hon'ble Supreme Court has observed as follows:

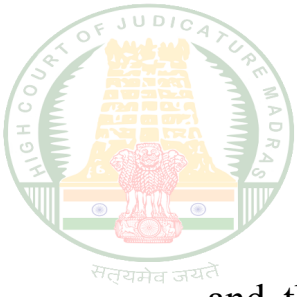
“30. We are additionally satisfied that in the teeth of the finding of the Appellate Judge, the disciplinary proceedings and the orders passed thereon cannot be allowed to stand. The charges were not just similar but identical and the evidence, witnesses and circumstances were all the same. This is a case where in exercise of our discretion, we quash the orders of the disciplinary authority and the appellate authority as allowing them to stand will be unjust, unfair and oppressive. This case is very similar to the situation that arose in CM.Tank.”



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17. The learned Judge of this Court in WP.No.24167 & 24170 of 2024 has also held as follows:

“25.Applying the above Judgements to the facts of the preent case, it is seen that the facts based on which the criminal proceedings were initiated and the present charge memo has been issued, the witnesses who are sought to be examined and the circumstances of both the proceedings are identical and same. Therefore, where the criminal court has found that there is no material even to frame charges against the petitioner in criminal case, it only goes to show that the prosecution miserable failed to prove the charge against the petitioner. Under such circumstances, there is no question of making the petitioner undergo the ordeal of facing the disciplinary proceedings. Hence the Judgement of the Apex Court in Ram Lal's case will squarely apply to the facts of the present case.”



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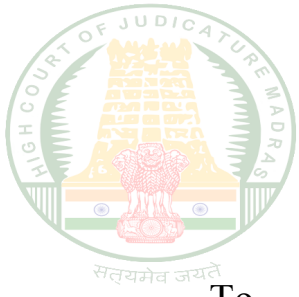
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18. Therefore, in the light of the above Judicial pronouncements and the facts of the case the Writ Petition has to be allowed. The records of the respondent is quashed and the respondent is directed to reinstate the petitioner as Inspector of Police, within a period of one month from the date of receipt of a copy of this order.

19. The Writ Petition is allowed with the above direction. Consequently, the connected miscellaneous petition is closed. No costs.

26.08.2025

Index : Yes/No
Internet : Yes/No
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To
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The Deputy Inspector General of Police
Villupuram Range,
Villupuram



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P.T. ASHA, J

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