



W.P.Nos.18764 of 2017 and 20081 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.18764 of 2017 and 20081 of 2023

W.P.No.18764 of 2017:-

P.Nagarajan

... Petitioner

-Vs-

1. The Deputy Inspector General
of Police,
Villupuram Range,
Villupuram.

2. The Superintendent of Police,
Villupuram,
Villupuram District.

3. The Deputy Superintendent
of Police,
Uludurpet Sub-Division,
Villupuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondents pertaining to the impugned order Dismissal from Service passed by the 1st respondent in proceeding in R.O.No.122/2017, C.No.B2/PR.11/2012 dated 11.04.2017 which was



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served on the petitioner by the 3rd respondent herein in his S.O.18/2017,
dated 22.04.2017 through the order of the 2nd respondent herein in
D.O.549/2017 C.No.D2/PR.31/2011 dated Nil.04.2017 and quash the
same and consequently direct the respondents herein to settle and
disburse the retirement and terminal benefits to the petitioner.

For Petitioner : Mr.N.Suresh
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

W.P.No.20081 of 2023:-

P.Nagarajan

... Petitioner

-Vs-

1. The Director General of Police,
Tamilnadu, Chennai-4.
2. The Deputy Inspector General
of Police,
Villupuram Range,
Villupuram.
3. The Superintendent of Police,
Villupuram District,
Villupuram.
4. The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.
5. The Deputy Superintendent of Police,
Gingee.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus, calling for
the records of the proceedings of the 1st respondent in Rc.No.E/



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2868455/AP.1(2)/2022 dated 10.03.2023 and quash the same and thereby
direct the respondents to pay arrears of salary and other emoluments from
24.06.2011 which the petitioner is entitled to and also all the terminal
and retirement benefits from 31.03.2016 to the Petitioner.

For Petitioner : Mr.N.Suresh
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

COMMON ORDER

W.P.No.18764 of 2017 has been filed challenging the order passed
by the first respondent dated 11.04.2017, thereby dismissing the
petitioner from service.

2. W.P.No.20081 of 2023 has been filed challenging the order
passed by the first respondent dated 10.03.2023.

3. The petitioner had joined as a Constable Grade II on
27.12.1978. Subsequently, he was promoted to the post of Head
Constable in the year 1989 and Sub-Inspector of Police in the year 2005.
While the petitioner was working as a Sub-Inspector of Police, Edaikkal
Police Station in Villupuram District, he was suspended from service by
an order dated 24.06.2011 alleging that the petitioner had involved in a
murder case registered in Crime No.446 of 2011, on the file of the
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Inspector of Police, Taluk Police Station, Villupuram District. He was

arrayed as fourth accused. After suspension, the petitioner was issued with charge memo and disciplinary proceedings were initiated. After completion of disciplinary proceedings, the petitioner was dismissed from service. It was challenged in W.P.No.18764 of 2017.

4. After completion of investigation in Crime No.446 of 2011, final report was filed and the same was taken cognizance by the Trial Court in S.C.No.284 of 2017. Pending writ petition, the criminal case in SC.No.284 of 2017 ended in acquittal by the Judgment dated 25.03.2022. Pursuant to the acquittal, the petitioner filed a revision as against the order of dismissal before the first respondent in W.P.No.20081 of 2023. It was rejected, on the ground that the order of dismissal has already been under challenge in W.P.No.18764 of 2017 before this Court. Hence, the petitioner filed a writ petition in W.P.No.20081 of 2023 challenging the order passed by the first respondent in W.P.No.20081 of 2023 dated 10.03.2023.

5. The learned counsel for the petitioner submitted that though the



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petitioner was arrayed as the fourth accused in S.C.No.284 of 2017, the

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Trial Court acquitted all the accused on the ground that the prosecution failed to prove the case beyond reasonable doubt. In fact, the Trial Court concluded that none of the witnesses had spoken against the petitioner or about his involvement in the case of murder. That apart, the deceased was his own son-in-law and his daughter was also arrayed as third accused. Therefore, the Trial Court had rightly acquitted the petitioner. Pursuant to the said acquittal, the petitioner preferred a revision before the first respondent in W.P.No.20081 of 2023 as against the order of dismissal on the basis of the acquittal from the criminal Court. He further submitted that the only charge framed as against the petitioner to initiate disciplinary proceedings was with respect to the alleged murder of the deceased. Therefore, there was no other charge against the petitioner. Both the charges before the Criminal Court as well as the disciplinary proceedings are one and the same. In fact, the same witnesses who were examined before the Trial Court were also examined in the disciplinary proceedings. Therefore, the order of dismissal cannot be sustained and is liable to be set aside.



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6. A perusal of counter filed by the respondents in both the writ

petitions and also on the submissions made by the learned Special Government Pleader appearing for the respondents revealed that there was a delay in filing the revision before the first respondent. The petitioner was dismissed from service and the same was challenged before this Court in W.P.No.18764 of 2017. Pending writ petition, the petitioner was acquitted by the criminal Court, only on the ground that the prosecution failed to prove the case beyond reasonable doubt. In view of the acquittal order passed by the Criminal Court, the petitioner preferred a revision before the first respondent in W.P.No.20081 of 2023, on the basis of his acquittal in the criminal case. The said revision was dismissed, on the ground that the order of dismissal is already under challenge in W.P.No.18764 of 2017 before this Court. The petitioner, without exhausting the appellate remedy, filed a writ petition. That apart, mere acquittal by the Criminal Court cannot give any clean chit to the petitioner. Though both the charges are one and the same before the Criminal Court and in the disciplinary proceedings, to imposed punishment in departmental proceedings, the standard of proof required is only based on the preponderance of probabilities, whereas before the



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Criminal Court the charge has to be proved beyond reasonable doubt.

Therefore, the writ petitions are liable to be dismissed.

7. Heard the learned counsel on either side and perused the materials available on record.

8. The only ground raised by the petitioner is that the petitioner was charged for the very same set of charges which was dealt with by the Criminal Court in Spl.S.C.No.284 of 2017. The persons who had deposed before the disciplinary authority also deposed before the Criminal Court. However, the Criminal Court acquitted the petitioner and other accused on the ground that the prosecution failed to prove the charges beyond reasonable doubt.

9. It is relevant to extract the charges framed as against the petitioner in disciplinary proceedings as follows:-

“ 1. Gross dereliction of duty in having absented himself for duty at Armed Reserve, Viluppuram from 21.06.2011 06.00 hrs.

2. Highly reprehensible conduct in having involved in a murder case in Viluppuram Taluk PS.Cr.No.446/2011, u/s.302, 102(b) IPC, along with accused (A1) Muthamilselvan, S/o.Thillaiambalam, (A2) Mohan, S/o.Pandurangan and (A3) Lakshmi, W/o,



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Deenathayalan, conspired with them and helped to execute the murder of his own son-in-law Thiru. Deenadayalan on 21.06.2011.”

10. The above charge was framed against the petitioner alleging that the petitioner was absent from 21.06.2011 at about 06.00 hrs. In due course, on 21.06.2011 at about 08.00 hrs, the third accused lodged a complaint alleging that on 21.06.2011, early in the morning at about 04.00 hrs, when she, along with her husband and daughter were sleeping in their house, four unknown persons of which two of them armed with knife and two others armed with iron rods trespassed into their bed room. Thereafter, one of them assaulted her husband, who was sleeping on a mat, on his head and caused death. They also robbed 14 ½ sovereigns of gold jewels and escaped from the scene of occurrence. After registration of FIR and during the course of investigation, it came to light that the complainant who is none other than the petitioner's daughter had extra marital relationship with the first accused, who is a close friend of the petitioner. The first accused gave a voluntary confession statement that he had committed murder of the petitioner's son-in-law with the help of his close friend one Mohan, who is arrayed as second accused, in pursuance of the conspiracy with the petitioner and third accused viz., the



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petitioner's daughter.

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11. During conspiracy, the petitioner told him that his daughter was being tortured by the deceased and requested him to put an end to him. Therefore, the first accused agreed that he will keep the third accused as a permanent concubine if the deceased is eliminated. He further confessed that once again he met all the accused persons for planning the murder and enacted a drama as if a group of robbers murdering the deceased while robbing their jewels. On 20/21.06.2011, the third accused called the first accused over phone to murder her husband. As per their plan, they went to the house of the deceased and took the jewels and put them in the bag and gave it to the first accused. Thereafter, turmeric powder was taken from the kitchen and was spread all over the house to prevent the detective dog from identifying the accused persons. Though there was a clear confession statement and recovery, the petitioner was not arrested by the Investigating Officer for the reason best known to them. The petitioner was a Sub-Inspector of Police and as such, some leniency was shown to him by the Investigating Officer. Further, the witnesses also did not speak about the overtact of the

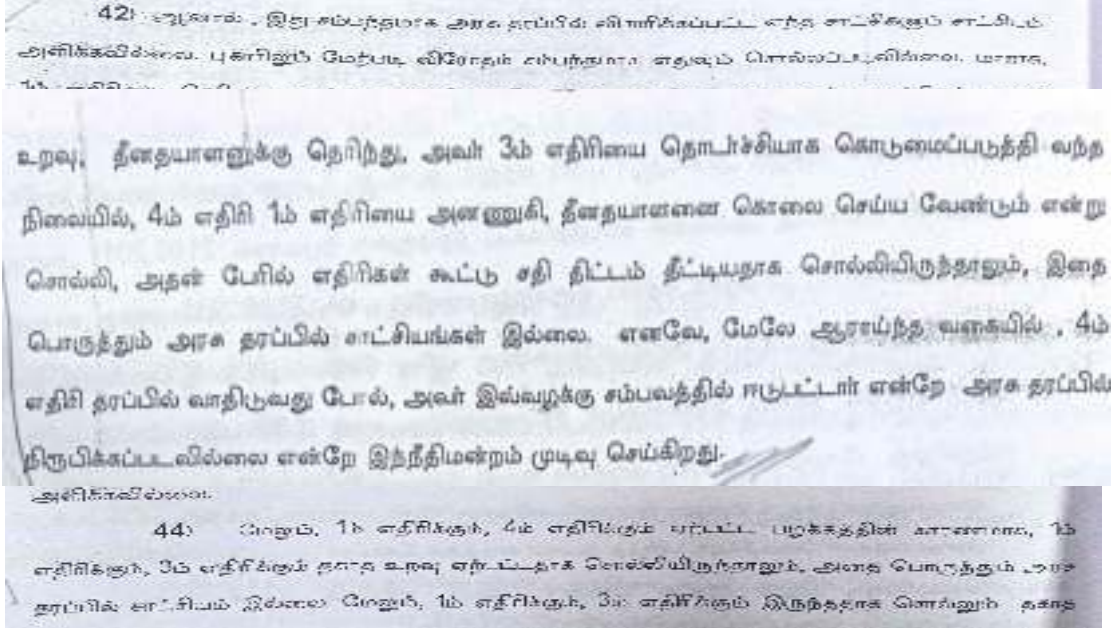


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petitioner before the Trial Court.

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12. Therefore, the Trial Court in S.C.No.284 of 2017 dated 25.03.2022, concluded as follows:-



13. Finally, the Trial Court acquitted the accused persons on the ground that the prosecution failed to prove the case beyond reasonable doubt. It is also curious to note that even before the beginning of the trial in the Criminal Court, the disciplinary proceeding was completed and the charges framed against the petitioner were clearly proved before the Enquiry Officer. On the basis of the findings of the Enquiry Officer, the petitioner was rightly dismissed from service. That apart, though the petitioner was acquitted by the Criminal Court, it does not give any clear chit to the petitioner to be relieved from the disciplinary proceedings as



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well.

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14. The Hon'ble Supreme Court of India, in the case of ***Suresh Pathrella vs. Oriental Bank of Commerce [(2006) 10 SCC 572]***, held that the yardstick and standard of proof in a criminal case is different from that of a disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubts, the proof in a departmental proceeding is based on the preponderance of probabilities. Therefore, acquittal in the criminal case shall have no bearing or relevance to the facts of the departmental proceedings, as the standard of proof in both cases are totally different. In a criminal case, the prosecution has to prove its case beyond all reasonable doubt, whereas in a departmental proceeding, the department has to prove only the preponderance of probabilities.

15. It is relevant to extract the judgment of the Hon'ble Supreme Court of India in the case of ***State of Rajasthan and others vs. Heem Singh [(2021) 12 SCC 569]***, which held as follows:-

“38. In the present case, we have an acquittal in a criminal trial on a charge of murder. The judgment of



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the Sessions Court is a reflection of the vagaries of the administration of criminal justice. The judgment contains a litany of hostile witnesses, and of the star witness resiling from his statements. Our precedents indicate that acquittal in a criminal trial in such circumstances does not conclude a disciplinary enquiry. In Southern Railway Officers Assn. v. Union of India [Southern Railway Officers Assn. v. Union of India, (2009) 9 SCC 24 : (2009) 2 SCC (L&S) 552] , this Court held : (SCC p. 40, para 37)

“37. Acquittal in a criminal case by itself cannot be a ground for interfering with an order of punishment imposed by the disciplinary authority. The High Court did not say that the said fact had not been taken into consideration. The revisional authority did so. It is now a well-settled principle of law that the order of dismissal can be passed even if the delinquent official had been acquitted of the criminal charge.”

(emphasis

supplied)

*39. In State v. S. Samuthiram [State v. S. Samuthiram, (2013) 1 SCC 598 : (2013) 1 SCC (Cri) 566 : (2013) 1 SCC (L&S) 229] , a two-Judge Bench of this Court held that unless the accused has an “honourable acquittal” in their criminal trial, as opposed to an acquittal due to witnesses turning hostile or for technical reasons, the acquittal shall not affect the decision in the disciplinary proceedings and lead to automatic reinstatement. But the penal statutes governing substance or procedure do not allude to an “honourable acquittal”. Noticing this, the Court observed : (SCC pp. 609-10, paras 24-26) “**Honourable acquittal***

24. The meaning of the expression “honourable acquittal” came up for consideration before this Court in RBI v. Bhopal Singh Panchal [RBI v. Bhopal Singh Panchal, (1994) 1 SCC 541 : 1994 SCC (L&S) 594] . In that case, this Court has considered the impact of



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Regulation 46(4) dealing with honourable acquittal by a criminal court on the disciplinary proceedings. In that context, this Court held that the mere acquittal does not entitle an employee to reinstatement in service, the acquittal, it was held, has to be honourable. The expressions “honourable acquittal”, “acquitted of blame”, “fully exonerated” are unknown to the Code of Criminal Procedure or the Penal Code, which are coined by judicial pronouncements. It is difficult to define precisely what is meant by the expression “honourably acquitted”. When the accused is acquitted after full consideration of prosecution evidence and that the prosecution had miserably failed to prove the charges levelled against the accused, it can possibly be said that the accused was honourably acquitted.

25. In R.P. Kapur v. Union of India [R.P. Kapur v. Union of India, AIR 1964 SC 787] it was held that even in the case of acquittal, departmental proceedings may follow where the acquittal is other than honourable. In State of Assam v. Raghava Rajgopalachari [State of Assam v. Raghava Rajgopalachari, 1972 SLR 44 (SC)] this Court quoted with approval the views expressed by Lord Williams, J. in Robert Stuart Wauchope v. Emperor [Robert Stuart Wauchope v. Emperor, 1933 SCC OnLine Cal 369 : ILR (1934) 61 Cal 168] which is as follows : (Raghava case [State of Assam v. Raghava Rajgopalachari, 1972 SLR 44 (SC)] , SLR p. 47, para 8)

‘8. ... The expression “honourably acquitted” is one which is unknown to courts of justice. Apparently it is a form of order used in courts martial and other extra-judicial tribunals. We said in our judgment that we accepted the explanation given by the appellant, believed it to be true and considered that it ought to have been accepted by the government authorities and by the Magistrate. Further, we decided that the appellant had not misappropriated the monies referred to in the charge. It is thus clear that the effect of our judgment was that the appellant was acquitted as



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fully and completely as it was possible for him to be acquitted. Presumably, this is equivalent to what government authorities term “honourably acquitted”.’ (Robert Stuart case [Robert Stuart Wauchope v. Emperor, 1933 SCC OnLine Cal 369 : ILR (1934) 61 Cal 168] , ILR pp. 188-89)

26. As we have already indicated, in the absence of any provision in the service rules for reinstatement, if an employee is honourably acquitted by a criminal court, no right is conferred on the employee to claim any benefit including reinstatement. Reason is that the standard of proof required for holding a person guilty by a criminal court and the enquiry conducted by way of disciplinary proceeding is entirely different. In a criminal case, the onus of establishing the guilt of the accused is on the prosecution and if it fails to establish the guilt beyond reasonable doubt, the accused is assumed to be innocent. It is settled law that the strict burden of proof required to establish guilt in a criminal court is not required in disciplinary proceedings and preponderance of probabilities is sufficient. There may be cases where a person is acquitted for technical reasons or the prosecution giving up other witnesses since few of the other witnesses turned hostile, etc. In the case on hand the prosecution did not take steps to examine many of the crucial witnesses on the ground that the complainant and his wife turned hostile. The court, therefore, acquitted the accused giving the benefit of doubt. We are not prepared to say that in the instant case, the respondent was honourably acquitted by the criminal court and even if it is so, he is not entitled to claim reinstatement since the Tamil Nadu Service Rules do not provide so.”

(emphasis supplied)

16. The above case is squarely applicable to the case on hand. The



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petitioner was acquitted of the charge of murder. The circumstances in which the trial led to an acquittal have been elucidated in detail above.

The verdict of the criminal Court did not conclude the disciplinary enquiry. The disciplinary enquiry was not governed by proof beyond reasonable doubt or by the rules of evidence which governed the criminal trial. Even in the disciplinary enquiry, evidence of the involvement of the petitioner in a conspiracy involving the death of the deceased would be difficult to prove. But the circumstances emerging from the record of the disciplinary proceedings bring legitimacy to the contention of the State that to reinstate such an employee back in service will erode the credibility of and public confidence in the image of the Police force. Therefore, the judgments relied upon by the learned Senior Counsel appearing for the petitioner are not helpful to the case on hand.

17. Further, it is relevant to extract the judgment of the Hon'ble Supreme Court of India in the case of ***State of Rajasthan and others vs. Heem Singh [(2021) 12 SCC 569]***, which held as follows:-

“37. In exercising judicial review in disciplinary matters, there are two ends of the spectrum. The first embodies a rule of restraint. The second defines when interference is permissible. The rule of restraint



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constricts the ambit of judicial review. This is for a valid reason. The determination of whether a misconduct has been committed lies primarily within the domain of the disciplinary authority. The Judge does not assume the mantle of the disciplinary authority. Nor does the Judge wear the hat of an employer. Deference to a finding of fact by the disciplinary authority is a recognition of the idea that it is the employer who is responsible for the efficient conduct of their service. Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy — deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity. A failure to consider vital evidence is an incident of what the law regards as a perverse determination of fact. Proportionality is an entrenched feature of our jurisprudence. Service jurisprudence has recognised it for long years in allowing for the authority of the court to interfere when the finding or the penalty are disproportionate to the weight of the evidence or misconduct. Judicial craft lies in maintaining a steady sail between the banks of these two shores which have been termed as the two ends of the spectrum. Judges do not rest with a mere recitation of the hands-off mantra when they exercise judicial review. To determine whether the finding in a disciplinary enquiry is based on some evidence an initial



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or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the court that there is some evidence to support the charge of misconduct and to guard against perversity. But this does not allow the court to reappreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the Judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the Judges' craft is in vain."

18. Thus, it is clear that the Courts exercising power of judicial review are entitled to consider whether, while inferring with the commission of misconduct on the part of a delinquent officer, a relevant piece of evidence has been taken into consideration and irrelevant facts have been excluded therefrom. Inference on facts must be based on evidence that meets the requirements of legal principles to determine whether or not the findings in a disciplinary enquiry is based on some evidence and whether or not an initial or threshold level of scrutiny is undertaken. This is to satisfy the conscience of the Court that there is some evidence to support the charge of misconduct and to guard against perversity. But this does not allow the Court to re-appreciate evidentiary findings in a disciplinary enquiry or to substitute a view that appears to the Judge to be more appropriate.

19. Mere acquittal by the Criminal Court would not give a clean



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chit to the delinquent in disciplinary proceedings. As stated supra, the
standard of proof for a departmental proceeding and for a trial of a
Criminal Court is entirely different and therefore, the judgment of the
Criminal Court cannot be considered in the disciplinary proceedings.

20. In view of the above, this Court finds no infirmity or illegality
in the orders passed by the first respondents in both the writ petitions and
the writ petitions are devoid of merits and are liable to be dismissed.
Accordingly, these writ petitions are dismissed. No costs.

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Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

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To

1. The Director General of Police,
Tamilnadu, Chennai-4.
2. The Deputy Inspector General
of Police,
Villupuram Range,
Villupuram.
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Villupuram,
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