



WP(MD). No.4973 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24/10/2025
Pronounced on : 26/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.4973 of 2025
and
WMP(MD)No.3594 and 3595 of 2025

K.Balasubramanian

... Petitioner

Vs

1. The Director General of Police (Law and Order),
Chennai 600 010.

2. The Deputy Inspector General of Police,
Trichy Range,
Trichy.

3. The Superintendent of Police,
District Police Office,
Trichy.

... Respondents

PRAYER :-

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings issued by the 3rd respondent in 92/H1/2020 dated 27.12.2021 which was confirmed by the 2nd respondent in his proceedings in Na.Ka.No. P1/Me Mu.02/2022 dated 02.02.2022 and orders passed in the Mercy Petition by the 1st



WP(MD). No.4973 of 2025

respondent confirming the orders of 2nd and 3rd respondents vide Rc/4232164/AP-IV(1)/2023 dated 30.12.2024 and quash the same as illegal and unconstitutional and consequently directing the respondents herein to reinstate the petitioner into service and pay all attendant benefits along with arrears within the time stipulated by this Court.

For Petitioner : Mr. B.Jameelarasu,
Advocate.

For Respondents : Mr.D.Sachikumar
Additional Government Pleader

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings issued by the third respondent in 92/H1/2020 dated 27.12.2021 which was confirmed by the 2nd respondent in his proceedings in Na.Ka.No. P1/Me Mu.02/2022 dated 02.02.2022 and orders passed in the Mercy Petition by the 1st respondent confirming the orders of 2nd and 3rd respondents vide Rc/4232164/AP-IV(1)/2023 dated 30.12.2024 and quash the same as illegal and unconstitutional and consequently directing the respondents herein to reinstate the petitioner



WP(MD). No.4973 of 2025

into service and pay all attendant benefits along with arrears within the time stipulated by this Court.

2. Learned counsel for the petitioner would submit that the petitioner who had been working in the Police department, was issued with the charge memo on 25.06.2020, based upon a preliminary enquiry report submitted by the Deputy Superintendent of Police, Manapparai Division to the third respondent, alleging that the petitioner had committed an act of bigamy. He would submit that during enquiry proceedings, the alleged complainant had specifically given a statement that the petitioner is not her husband and that she had not married the petitioner. Only on the wrong information given by her relatives in the hospital, the petitioner's name has been wrongly inserted. Based on the evidence of P.W.2, who claims himself to be the landlord of the complainant who is unknown to the petitioner and the preliminary enquiry conducted by the Deputy Superintendent of Police and the alleged secret enquiry conducted with the complainant, the enquiry officer had given a finding that the petitioner had committed an offence of bigamy and held the charge proved. Based upon the enquiry report,



WP(MD). No.4973 of 2025

without giving an opportunity to the petitioner, an order of removal from service had been passed. Against which, the petitioner had preferred an appeal and the same was also dismissed. He would submit that when the alleged complainant herself had said that there is no relationship between the petitioner and herself and the entry made in the hospital register, had been wrongly given by the relatives of the complainant, relying upon the statement of a third party, who is not connected with the petitioner in any manner and upon the preliminary enquiry report submitted by the Deputy Superintendent of Police and the alleged secret enquiry conducted with the complainant behind the back of the petitioner, is wholly illegal, improper and a colourable exercise of power . Therefore, he prays this Court to set aside the order of punishment and reinstate the petitioner. He had also relied upon a judgment of the Hon'ble Single Judge of this Court made in WP.No.32816 of 2013 to contend that charge levelled against the petitioner which were held to be proved based upon the statement given during the preliminary enquiry, is wholly impermissible.

3. Countering his arguments, Mr.D.Sachikumar, learned Additional Government Pleader would contend that the petitioner being a



WP(MD). No.4973 of 2025

member of a disciplined post, had conducted himself in a immoral manner by having a relationship with one of the complainant in a criminal case. He would submit that one Sasirekha had originally approached the police, giving a complaint against her husband Imayaraja. At this juncture, the petitioner who was the investigating officer, had developed intimacy with the said Sasirekha and continued to live with her and marrying her and therefore, the said conduct of the petitioner amounts to an offence of bigamy. Hence a preliminary enquiry was conducted by the Deputy Superintendent of Police, Manapparai Division and he had submitted a report that the petitioner had involved himself by committing in an offence of bigamy. Hence the charge memo was issued to the petitioner. But however, during the enquiry the said complainant Sasirekha had turned hostile. But from the statement of the alleged house owner, who had categorically stated that the petitioner used to visit the complainant, a preponderance of probability had been arrived at by the Department. Further, the investigation conducted by the Deputy Superintendent of Police had also shown that the petitioner had involved himself in the offence of bigamy. If any leniency is shown to the petitioner, it will affect the moral of the disciplined post. The petitioner



WP(MD). No.4973 of 2025

had also been involved in early two delinquencies where he also had been inflicted with major punishments. Hence he prays this Court to grant no indulgence in the case of the petitioner.

4. I have considered the submissions made by the learned counsel on either side.

5. Admittedly the complainant who had alleged bigamy, had turned hostile by retracting her statement before the Deputy Superintendent of Police who had conducted the preliminary investigation. P.W.2 who was the alleged house owner of the complainant has spoken that the petitioner used to visit the complainants house. Except to state so, the P.W.2 had not produced any documents to substantiate that the said complainant was staying as a tenant in his house including the tenancy agreement. The other witnesses are official witnesses who are the part of the preliminary enquiry that had been conducted on the complaint. From the reading of the enquiry report, it could be seen that the enquiry officer claims to have conducted a secret enquiry with the complainant behind the back of the petitioner. The manner in which the enquiry had been



WP(MD). No.4973 of 2025

conducted would show that there is a colourable exercise of power. In a case of bigamy, it is the victim who have to be the complainant and when the victim retracts the statement, the complaint itself would have to fall.

6. For the aforesaid reasons, this Court is of the view that the charge has been failed to be proved and there can be no preponderance of probability in a allegation of bigamy, when the complainant had retracted her statement of bigamy. In such view of the matter, consequential punishment imposed on the petitioner would have to be interfered by this Court.

7. In fine, this Writ Petition stands allowed and the impugned order of punishment is set aside with a direction to the respondents to reinstate the petitioner with continuity of service and back wages. No costs. Consequently, connected miscellaneous petitions are closed.

26.11.2025

NCC : yes / no
Index : yes /no
Internet : yes / no

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7/8



WP(MD). No.4973 of 2025

K.KUMARESH BABU, J

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To

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Chennai 600 010.

2. The Deputy Inspector General of Police,
Trichy Range,
Trichy.

3. The Superintendent of Police,
District Police Office,
Trichy.

Pre-Delivery order made in

WP(MD). No.4973 of 2025
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Date : 26.11.2025