

W.A(MD)No.1208 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.04.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.1208 of 2025
and
CMP(MD)No.7505 of 202**

B.Saravanan

... Appellant

vs.

The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli.

... Respondent

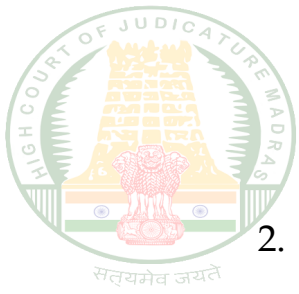
PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 27.11.2024 made in W.P(MD)No.20296 of 2024.

For Appellant : Mr.R.Anand
For Respondent : Mr.D.Farjana Ghoushia
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by J.NISHA BANU, J.)

This writ appeal is filed against the order dated 27.11.2024 made in W.P(MD)No.20296 of 2024.



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2. The appellant/writ petitioner is an Inspector of Police. He was issued with a charge memo dated 23.07.2024 by the respondent under Rule 3 (b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules 1955. Challenging the same, he filed the writ petition. The charge memo contains three counts of charges. The first charge relates to the allegation that the appellant had permitted the accused persons to carry 600 Kilograms of waste wires while taking to the Court and permitted the accused persons to shift those wires to another vehicle. The second charge is that the appellant has demanded a sum of Rs.40,000/- for granting station bail to the the accused persons, who were implicated in Crime No.363 of 2022. The third charge is that the appellant demanded a sum of Rs.1,00,000/- for not implicating the owner of the Tractor which is alleged to have been involved in sand theft. The Writ Court finding that the accused have pleaded guilty and paid fine and waste wires had been taken back by the accused persons themselves, held that charge No.1 does not stand to legal scrutiny and accordingly quashed the first charge. As far as charges 2 and 3, the Writ Court finding that they are factual disputes which can be adjudicated during enquiry proceedings, held that enquiry shall be proceeded with



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in respect of charges 2 and 3. Ultimately, the writ petition was partly allowed by the order impugned. Aggrieved by the said order, the writ petitioner has filed this appeal.

3. Assailing the impugned order, learned counsel for the appellant would state that as regards the second charge relating to demanding of bribe amount for granting station bail, the accused persons at no point of time in the court proceedings, had complained about the alleged demand of bribe by the appellant. That by itself would prove that the second charge has been framed by the respondent out of personal vendetta. As regards the third charge relating to demand of bribe for not making one Jeyasindha, who was the owner of the Tractor involved in sand theft, as accused in the FIR, learned counsel would contend that neither in the anticipatory bail petition filed by Jeyasindha before this Court, nor in the order passed by this Court, allegation of such demand of bribe by the appellant has been mentioned. Therefore, framing of third charge is also out of personal vendetta. Further, the charges were framed after two years from the date of the alleged incidents. That by itself would prove that due to animosity



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against the appellant, the respondent issued the charge memo. The Writ

WEB COPY Court has failed to consider that charges 2 and 3 were framed by the respondent due to animosity against the appellant and erroneously declined to quash charges 2 and 3. Thus, the learned counsel would pray for quashing charges 2 and 3.

4. The learned Special Government Pleader would state that charges 2 and 3 which relate to demand of bribe amount, can be decided only after proper enquiry and the Writ Court has rightly declined to interfere with the same. Thus, she would pray for dismissal of the appeal.

5. Heard both sides.

6. Though the appellant contended that the accused did not make any allegation of bribe against him in the court proceedings / anticipatory bail petition, that alone cannot be a factor to disprove the charges of demanding bribe. As rightly held by the Writ Court, the charges of bribe levelled against a police officer involves the morale of



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the officer concerned and the veracity of the charges can be decided only during the enquiry proceedings. The appellant cannot take umbrage of the situation where the accused from whom, the appellant stated to have received bribe money, did not come forward to give complaint against the appellant, to disprove the charges of demand of bribe. Therefore, we do not find any infirmity in the order passed by the learned Judge.

7. Accordingly, the Writ Appeal is dismissed. No costs. Connected miscellaneous petition is closed.

[J.N.B, J.] [S.S.Y, J.]
30.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli.



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AND
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JUDGMENT MADE IN
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