



W.P.(MD)No.19756 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.19756 of 2025

K.Kannan

: petitioner(s)

Vs.

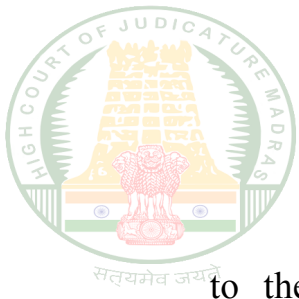
1. The Commissioner (FAC),
Tribunal For Disciplinary Proceedings,
Tiruchirappalli.

2. J.Raju,
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Thanjavur District @
Thanjavur.
(Complainant in
Thanjavur V & AC
Crime No.1 of 2023.

3. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Thanjavur @ Thanjavur.

: respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records pertaining



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to the impugned charge memos issued by the first respondent in T.D.P.Case Nos.6B of 2024 dated 13.09.2024 as against the petitioner and to quash the same as illegal and unsustainable.

For petitioner : Mr.S.Venkatesan

For respondents : Mr.S.R.A.Ramachandran

Additional Government Pleader
for R1 & R3

ORDER

Challenging the impugned charge memo dated 13.09.2024, passed by the first respondent, the present writ petition has been filed by the petitioner.

2. By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the second respondent is dispensed with.

3. Short facts shorn of elaboration of the petitioner run as follows:



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(i) The petitioner was appointed as Sub-Inspector of Police on 01.02.2011. He has served without any departmental punishment in several places.

(ii) On 05.08.2021, one M.R.Ganesh, an accused in Thanjavur DCB Crime No. 18 of 2021 (u/s 406, 420, 120-B IPC), allegedly gave a confession while in custody at the DCB Office, Thanjavur. This statement included a collateral allegation that the petitioner and another police official demanded illegal gratification, an issue unrelated to Crime No.18 of 2021. Based on this collateral statement, the second respondent initiated a Preliminary Enquiry without prior approval under Section 17A(1) of the Prevention of Corruption (Amendment) Act, 2018 and in violation of Paras 18, 21, 22, and 27 of the Vigilance Manual, Part-IV.

(iii) Following the enquiry, the second respondent registered an FIR in Thanjavur V&AC Crime No. 1 of 2023 under Section 7 of the Prevention of Corruption Act, 1988 (as amended), naming the petitioner and one S.Somasundaram (Inspector of Police), as accused.



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(iv) The alleged demand for illegal gratification was said to have occurred on 17.04.2021 and 18.04.2021 at Coimbatore. However, the petitioner was on sanctioned Casual Leave and Holiday Permission from 17.04.2021 to 20.04.2021, as per office proceedings dated 16.04.2021 of the Superintendent of Police, Thanjavur.

(v) The statement from accused M.R.Ganesh was recorded 111 days after the alleged incident, contrary to the mandate under Section 8(1)(i) of the Prevention of Corruption Act, which requires reporting within 7 days. No recovery of the alleged bribe was made and no details were provided regarding the destination of the illegal gratification. Key witnesses, including Special Sub-Inspector G. Senthilkumar and then Superintendent of Police Mr. Deshmukh Shekhar Sanjay, did not support the prosecution case in their statements.

(vi) Since the third respondent, unable to file a charge sheet due to lack of sanction and evidence, submitted the FIR and documents to the first respondent for disciplinary proceedings. The first respondent initiated disciplinary



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proceedings and issued the charge memo dated 13.09.2024

in T.D.P. Case Nos. 6B of 2024 against the petitioner.

Aggrieved by the said charge memo, the present writ petition has been filed by the petitioner.

4. The learned counsel for the petitioner submitted that the impugned charge memo in T.D.P. Case No. 6B of 2024 dated 13.09.2024 has been issued by the first respondent solely on a confession statement allegedly made by one M.R.Ganesh, an accused in Crime No.18 of 2021, who has a history of criminal cases. However, the statement of M.R.Ganesh, was recorded after a delay of 111 days from the alleged date of occurrence, which lacks credibility and is in direct contravention of Section 8(1)(i) of the Prevention of Corruption Act. Section 8(1)(i) of the Act mandates that any such report must be made within seven days. Further, on the dates of the alleged demand for illegal gratification, i.e., 17.04.2021 and 18.04.2021. the petitioner was on duly sanctioned Casual Leave and Holiday Permission, as per the proceedings of the Superintendent of Police, Thanjavur. This crucial alibi was overlooked by the first respondent while issuing the impugned charge memo. In addition, key witnesses in the case, including the then Superintendent of

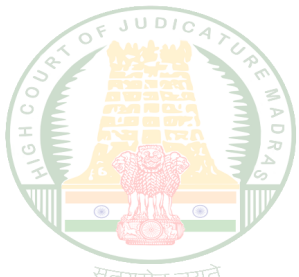


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Police Mr. Deshmukh Shekhar Sanjay and Special Sub-Inspector Tr. G. Senthilkumar, did not support the prosecution's version in their statements. In the case of the petitioner, no recovery of any illegal gratification was made and no electronic or corroborative evidence was produced to substantiate the charges as alleged against the petitioner.

5. The learned counsel for the petitioner also submits that the Preliminary Enquiry conducted by the second respondent was procedurally flawed, having been carried out without prior approval from the competent authority as required under Section 17A(1) of the Prevention of Corruption Act, 2018. He further submitted that the enquiry also contravened several provisions of the Vigilance Manual, including paragraph Nos. 18, 21, 22, and 27. Moreover, the motivation behind the false accusation appears to stem from the fact that it was the petitioner who took action against M.R. Ganesh, his wife and others by registering Crime No.18 of 2021, resulting in their arrest. The said accused appears to have made this false confession with the ulterior motive of escaping prosecution and taking personal revenge against the petitioner. Therefore, the learned counsel for the petitioner prays this Court to quash the charge memo dated 13.09.2024, issued by the first

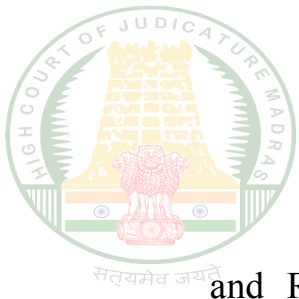


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respondent.
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6. At this stage, the learned counsel for the petitioner also furnished details of the pending cases registered against the defacto complainant, M.R. Ganesh and the same has been placed on record.

7. Mr.S.R.A.Ramachandran, the learned Additional Government Pleader appearing for Respondents 1 and 2, submitted that the petitioner, while serving as Sub-Inspector of Police at Boothalur Station on OD duty with the Special Crime Team, Thanjavur District, committed serious official misconduct. On the night of 17.04.2021, the petitioner went to M.K. Residency, Coimbatore, and met M.R. Ganesh, an accused in Crime No. 18 of 2021, inquiring about two petitions filed against him at the District Crime Branch, Thanjavur. The petitioner stayed at the residency. On 18.04.2021, Inspector Somasundaram of the Special Branch, Thanjavur, joined the petitioner there and together they demanded illegal gratification of Rs.1 crore for not acting on the existing petitions and Rs.5 crores for refraining them from taking action on future petitions over five months. Subsequently, they demanded payments in installments, i.e., Rs. 10 lakhs on 19.04.2021, Rs. 2 crores on 30.04.2021,



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and Rs. 4 crores on 06.05.2021, purportedly on the orders of the Superintendent of Police, Thanjavur. Despite knowing M.R. Ganesh could not pay the full amount, the petitioner insisted on a token bribe of Rs.5 lakhs, payable in two installments on 19.04.2021 and 27.04.2021. The petitioner confirmed receipt of the first installment through intermediaries. Subsequent demands and threats were made via telephone to secure the remaining token amount, which was also paid on 29.04.2021.

8. The learned Additional Government Pleader further submitted that such conduct on the part of the petitioner amounts to a serious breach of trust, manifesting a complete failure to uphold the integrity and devotion to duty expected of a public servant. This conduct is in clear violation of Rule 24 of the Tamil Nadu Subordinate Police Officials Conduct Rules, 1964. The charges framed against the petitioner are, therefore, fully justified. Accordingly, he prays before this Court for the dismissal of this writ petition.

9. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing on behalf of the



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respondents 1 and 3 and perused the materials on record.

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10. Upon careful consideration of the materials placed on record and the rival submissions, this Court is of the considered view that the charge memo issued against the petitioner is liable to be quashed on the following grounds:

10.1. It is not in dispute that the entire disciplinary action is initiated solely on the alleged confession statement of one M.R. Ganesh, an accused in Crime No.18 of 2021, who admittedly has several prior criminal cases and whose statement was recorded after an unexplained and significant delay of 111 days from the alleged incident, which is in violation of the mandatory requirement under Section 8(1)(i) of the Prevention of Corruption Act, 2018.

10.2. It is to be noted that, on the said dates of the alleged occurrence, the petitioner was on duly sanctioned leave from 17.04.2021 to 20.04.2021, as evidenced by the official leave proceedings, thereby establishing his absence from the scene.



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10.3. Furthermore, the key witnesses, including the then Superintendent of Police and the Special Sub-Inspector, have not supported the prosecution's version. The preliminary enquiry conducted by the second respondent was procedurally defective, having been carried out without prior sanction as mandated under Section 17A of the Prevention of Corruption Act and in contravention of the relevant provisions of the Vigilance Manual.

10.4. The benefit of the doubt also favours the petitioner, as the confession made by the defacto complainant and his associates appears to have been driven by an ulterior motive, especially in the light of the fact that the petitioner had earlier initiated criminal proceedings against them.

10.5 In such circumstances, the continuation of the disciplinary proceedings would amount to an abuse of the process of law. Therefore, this Court is inclined to interfere with the charge memo dated 13.09.2024 issued by the first respondent in T.D.P. Case No.6B of 2024, and accordingly, the same stands quashed.



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11. In the result, this writ petition stands allowed. There shall be no order as to costs.

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Index : Yes / No

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Internet : Yes / No

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To

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