



W.P(MD)No.23107 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.23107 of 2023 and
WMP(MD) No.19295 of 2023

J.Anbuprakash

... Petitioner

Vs

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

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the respondent in Tha.Pa.No.22/2023 (Section 3(A) dated 20.04.2023 and quash the same.

For Petitioner : Mr.A.Srinivasan
For Respondent : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

Challenging the charge memo, dated 20.04.2023 issued as against this petitioner, he has approached this Court in the year 2023.



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2.The learned counsel appearing for the petitioner submits that the petitioner, who is working as Inspector of Police in Sivanthipatti Police Station, Tirunelveli District has been issued with a charge memo, dated 20.04.2023, pursuant to the case registered in Crime No.6 of 2018, on the file of the Vigilance and Anti Corruption Department, Nagercoil, for the offence under Sections 13(2) r/w 13(1)b of the Prevention of Corruption Act, 1988. According to the learned counsel, the above case has been registered for the wealth amazed by the petitioner's wife. The petitioner's wife is a daughter of an estate owner and she is having her own income and therefore, her income cannot be taken into account for registering a criminal case as against this petitioner that he accumulated assets disproportionate to his income. Pursuant to the criminal case, the charge memo has been issued as against the petitioner and therefore, the Department is not supposed to proceed with the disciplinary proceedings as against him.

3. The learned Special Government Pleader appearing for the respondent submits that this petitioner is working as an



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Inspector of Police in Sivanthipatti Police Station, Tirunelveli. He

initially joined the Police Department as a Sub Inspector of Police in the year 1999 and thereafter he was promoted as an Inspector of Police with effect from 2011. When the petitioner was working as Inspector of Police at Kanyakumari District in the year 2018, a case in Crime No, 6 of 2018 has been registered by the Vigilance and Anti Corruption Department, as against this petitioner, for the offence under Sections 13(2) r/w 13(1)(b) of the Prevention of Corruption Act, 1988, on the allegation of disproportionate assets to the known sources of his income. In this regard, the Government, vide G.O.(2D) No.293, Home (Pol.IV) Department, dated 29.11.2021 have directed the Director General of Police/ Head of Police Force to initiate departmental action against the writ petitioner and the Director General of Police/Head of Police Force, vide Memorandum in C.No.140446/Con.V(1)/2018, dated 26.04.2022 has instructed the Superintendent of Police, Kanyakumari District to initiate departmental action under Rule 3(b) of Tamil Nadu Police Subordinate Services (Discipline and Appeals) Rules, 1955 against the writ petitioner. In accordance to the above



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instructions, the Superintendent of Police, Kanyakumari District has nominated the Deputy Superintendent of Police, Thuckalay Sub Division to conduct a preliminary enquiry against the allegations levelled as against the writ petitioner, with regard to the case registered in Crime no.6 of 2018. The Deputy Superintendent of Police, Thuckalay Sub-Division has submitted his report on 24.12.2022 to the Superintendent of Police, Kanyakumari District, based on which, the Superintendent of Police, Kanyakumari District has framed charges as against this petitioner. By referring to the orders passed in WP(MD)No.14356 of 2019, dated 08.02.2022, the learned Special Government Pleader submits that this Court, while dealing with the similar issue, has issued certain guidelines, which are summarized as under:-

....5.In view of the complex nature of issues raising doubt in the minds of the disciplinary authority, this Court is inclined to summarize the following principles, which are all to be followed in the cases of simultaneous proceedings (i.e., departmental disciplinary proceedings and criminal cases).

(a) It is a settled law that criminal case and the departmental disciplinary proceedings may be initiated simultaneously as the case may be;

(b) an order of suspension, if required, may be issued in the



prescribed format as per the rules'

(c) if the records and evidences are available with the disciplinary authority, then without any loss of time, charge memorandum shall be issued and the disciplinary proceedings may go on;

(d) The question to be considered is whether simultaneous proceedings may go on or not?;

(e) The departmental domestic enquiry and the criminal trial shall proceed simultaneously and the decision in the criminal case would not materially affect the outcome of the domestic enquiry.

(f) The nature of both proceedings and the test applied to reach final conclusion in the matter are entirely different.

(g) If the case involves complicated questions of fact and law and the disciplinary authority is not in possession of the required materials for the purpose of conducting enquiry, then administrative decision may be taken to keep the departmental proceedings in abeyance. till the disposal of the criminal case. However, the advisability and desirability has to be determined considering the facts of each case by the authority concerned. Therefore, it would be expedient that the disciplinary proceedings are conducted and completed as expeditiously as possible.

(h) There is no legal bar for both proceedings to go on simultaneously.

(m) If the criminal case was registered under the Prevention of Corruption Act, 1988 and if the original records are seized by the investigating agency, then the disciplinary authority may obtain the true copies of the documents and proceed with the departmental disciplinary proceedings.

(n) As far as the departmental corruption allegations are concerned,



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it is not necessary that the disciplinary authority should wait for the final disposal of the criminal case registered under the Prevention of Corruption Act, 1988.

Hence based on the above Guidelines issued by the Hon'ble Madurai Bench of Madras High Court, the Government have issued a Government Order in G.O.(Ms). No.66, Human Resource Management (N) Department dated: 06.07.2022 and in the Government Order in para 9 (4) the government have ordered as follows:

"Departmental enquiry and the criminal trial shall proceed simultaneously and the decision in the criminal case would not materially affect the outcome of the departmental enquiry"

Therefore, only based on the above guidelines issued by this Court and by the Government, the petitioner herein was issued with Charge Memo in PR.No.22/2023 u/r 3 (b) dated: 20.04.2023."

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The order impugned in this writ petition is only a charge memo. The Hon'ble Supreme Court in ***Union of India Vs Kunisetty Satyanarayana***, reported in ***2006 SCC Vol.II, 28***, has held



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that the charge memo or show cause notice shall not be interfered with by the orders of the Courts except lack of jurisdiction of the authority or if any malafides are attributed. The petitioner has not made out any such case.

6.In view of the above, this writ petition is closed with a direction to the respondent to conclude the disciplinary proceedings, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petitions are closed.

10.12.2025

NCC: Yes/No
Index:Yes/No
vrn

To

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



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B.PUGALENDHI, J.

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