



W.A(MD) No.893 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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and

C.M.P.(MD)No.6624 of 2024

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.
- 2.The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.
- 3.The Deputy Inspector General of Police,
Madurai Range,
Madurai.
- 4.The Superintendent of Police,
Madurai District,
Madurai.
- 5.The Deputy Superintendent of Police,
Peraiyur Sub-Division,
Madurai District.

... Appellants / Respondents

Vs.

V.Murugesan

... Respondent / Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.24214 of 2018 dated 27.04.2022 on the file of this Court, allow this writ appeal.

For Appellants : Mr.N.Satheesh Kumar
Additional Government Pleader

For Respondent : Mr.P.Ganapathi Subramanian

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The department is on appeal challenging the order dated 27.04.2022 allowing W.P.(MD)No.24214 of 2018 filed by the respondent herein. The respondent herein was working in the Armed Reserve Police, Madurai District. On 17.09.2002, he was called upon to discharge VIP-PSO duty to accompany a former legislator. It is alleged that during the relevant time, he had committed an offence. In this regard, the disciplinary action was taken against the petitioner herein. It ended in punishment. On appeal, it was reduced. The mercy petition filed by the delinquent was dismissed. Challenging the same, the delinquent filed W.P.(MD)No.24214 of 2018. The learned single Judge



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allowed the writ petition and quashed the disciplinary action on the primary ground that when on the same set of facts, the delinquent was prosecuted before the Criminal Court of law and he was acquitted, the disciplinary action cannot be allowed to stand.

3. The learned counsel for the writ petitioner draws our attention to the very recent decision of the Hon'ble Supreme Court reported in **2023 INSC 1047 (Ram Lal Vs. State of Rajasthan)**. The Hon'ble Supreme Court relying on the decision reported in **(2006) 5 SCC 446 (G.M.Tank Vs. State of Gujarat & others)** had held that the disciplinary authority cannot ignore the findings of the criminal court while acquitting the delinquent.

4. We are of the view that the learned single Judge adopted the right approach and interference is not called for. The Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
15.07.2025

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