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APHC010234682026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 12508 OF 2026

Between:

1. CH PRASAD, S/o Late H. Radhakrishnaiah Aged bout 35yrs, Occ Police Constable R/o Chandragiri Police Station Tirupathi District

...Petitioner

AND

1. THE SUPERINTENDENT OF POLICE, Tirupathi, Tirupathi District - 517501

2. The Additional Superintendent of Police, Tirumala, Thirupathi District - 517501

3. The State of Andhra Pradesh, Rep. by its Principal Secretary Home Department Secretariat, Velagapudi Amaravathi, Guntur District - 522238

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of respondent Nos.1 and 2 in proceeding to conduct the disciplinary proceedings against the petitioner in pursuant to the Proceedings in C.No.A4/OETR-24/202 4, dt.18-02-2025 and the consequential proceedings, dt.09-09-2025 issued by the 1st respondent before concluding the trial in Criminal case in C.C.No.546/2024 on the file of the Principal Junior Civil Judge, Srikalakasthi even in spite of the imputation of charge and the witnesses are one and the same in the disciplinary proceedings and the criminal case as arbitrary, illegal violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondent Nos.1 and 2 to defer the disciplinary proceedings initiated against the petitioner in pursuant to the Proceedings in C.No.A4/OETR-24/2024, dt.18-02-2025 issued by the 1st respondent till the trial is completed in the criminal case in C.C.No.546/2024 on the file of the Principal Junior Civil Judge, Srikalakasthi and pass such other orders.

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in the disciplinary proceedings initiated against the petitioner by the 1st respondent vide proceedings in C.No.A4/OETR-24/2024, dt.18-02-2025 pending disposal of the Writ Petition and pass such other orders.

Counsel for the Petitioner: B SARVOTHAM REDDY

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.12508 of 2026

ORDER:

1. The present Writ Petition is filed questioning the action of Respondent Nos.1 and 2 in proceeding to conduct disciplinary proceedings against the Petitioner pursuant to the impugned order vide C.No.A4/OETR-24/2024, dated 18.02.2025, and the consequential proceedings issued by Respondent No.1 before concluding the trial in C.C.No.546 of 2024 on the file of Principal Junior Civil Judge, Srikalahasti, as illegal and arbitrary.

2. While the Petitioner was working as Police Constable in I Town Police Station, Srikalahasti, in the year 2024, a criminal case is registered against the Petitioner *vide* FIR No.86/2024 for the offences punishable under Sections 353 and 506 IPC based on the complaint given by the Head Constable on the allegation that the Petitioner beat a lady with hands and legs, abused her in filthy language and threatened to kill her. After completion of investigation, charge-sheet was filed on 07.08.2024 for the offences under Sections 353, 506, 354, 354-A and 509 IPC before the Principal Junior Civil Judge, Srikalahasti and the same is pending for adjudication.

3. While so, Respondent No.1 initiated disciplinary proceedings against the Petitioner vide C.No.A4/OERT-24/2024, dated 18.02.2025 framing four (4) Articles of Charges. It is stated that as the allegations in the departmental proceedings are similar to the facts mentioned in the criminal case, the present Writ Petition is filed seeking to stay the departmental enquiry.

4. Heard the respective counsels.

5. In the impugned Charge-Memorandum, the Petitioner was issued Articles of Charges, which read as under;

> *"**Article 1**:*
>
> *That, the Government Servant while working at Srikalahasthi I Town PS exhibited misconduct in maintaining illegal intimacy with one Alekhya, W/o K. Mohan, D.No.15-1068, B.P. Agraharam, Srikalahasthi and use to contact her over phone and visit her house often. Likewise, on 01.05.2024 at about 9.00 PM the Government Servant went to her house in drunken state caused nuisance, scolded in filthy language and beat her.*
>
> ***Article 2:***
>
> *That, the Government Servant, on intervening night of 30.04.2024/01-05-2024 when the lady Smt. K. Alekhya, 35 yrs, W/o Mohan was complaining against him to HC 467/TPT*

S. Raghu and PC 1779/TPT M. Ramarao in Srikalahasthi I Town PS came there in a car, scolded her and beat her again, as she came to Police Station to complain against him.

Article 3:

That, the Government Servant scolded HC 497/TPT and PC 1779/TPT in filthy language and threatened them with dire consequences when they intervened and tried to rescue the lady and obstructed them from discharging their legitimate duties.

Article 4:

That, being a Government Servant, he involved himself in a Criminal Case in C.C.No.86/2024 U/Secs.353, 506, 354, 354(4), 509 IPC of Srikalahasthi I Town PS registered on the complaint of HC 497/TPT S. Raghu. At present the case is under PT vide CC No.546/24 on the file of Hon'ble AJCJ, Srikalahasthi. By involving in the criminal case, he has defamed the image of the Police in the eyes of the public."

6. The Petitioner submitted his detailed written statement of defence on 23.10.2025 running into 9 pages. The stay of departmental enquiry is granted as the delinquent would be revealing his defence in the departmental enquiry causing prejudice in the criminal trial. In the present case, there is no prejudice to the Petitioner as he had filed statement of defence revealing his defence. Therefore, the edifice on which the law regarding parallel

department enquiry would have to be stayed i.e., prejudice/revealing of defence is not available in this case.

7. The criminal case was registered for the offences punishable under Sections 353, 506, 354, 354-A and 509 IPC. The allegation in the charge-sheet is that on 30.04.2024 the Petitioner went to the house of one K. Alekhya (L.W.3) and harassed her for intimacy while her husband was in Tiruvannamalai. On 01.05.2024 at about 1.20 AM, the said K. Alekhya went to the Police Station with huge cry and on enquiry, she told that she had acquaintance with the Petitioner previously and now he is harassing her. On coming to know about the same, the Petitioner assaulted K. Alekhya with hands and legs and also attacked the Head Constable and Police Constable in the Police Station.

8. Another fundamental aspect for grant of stay of disciplinary enquiry is that there should be a complicated question of law involved in the case. In the most cited Judgement in this line of litigation till date, i.e., ***M. Paul Anthony v. Bharat Gold Mines Ltd.,***[1] the Hon'ble Supreme Court after referring to the case law till that point of time framed principles for stay of disciplinary proceedings as a guidance. The Paragraph No.22 thereof is extracted below;

[1] (1999) 3 SCC 679

"22. *The conclusions which are deducible from various decisions of this Court referred to above are:*

(i) Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.

(ii) If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the ***criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact****, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.*

(iii) Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the charge-sheet.

(iv)The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the departmental proceedings but due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.

(v) If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, the administration may get rid of him at the earliest."

9. The highlighted portion above requires stay to be granted when the criminal case is a grave one involving complicated questions of law and fact. In this case, no such complicated questions are pointed out. Therefore, this Court does not find any merit in the Writ Petition and accordingly the same is dismissed.

10. No order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 07.10.2026

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.12508 of 2026

Dated: 07.10.2026

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