

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.2035 of 2023 AND
C.M.P.Nos.17291 and 17295 of 2023

Dr.Prabhu Thilaak

... Appellant

-VS-

1. State Rep. by Its
 The Director General of Police,
 Tamil Nadu State Police, Radhakrishnan
 Salai, Chennai-04.

2. J.Shankar,
 Additional Superintendent of Police,
 Coastal Security Guard,
 Opp.Govt. Hospital, Velippalayam,
 Nagapattinam-611 001.

... Respondents

Prayer: To set aside the order of the Learned Judge in W.P.No.22433 of 2023 dated 28.07.2023.

For Appellant: Ms.S.Gopisubanidhi

For Respondents: Dr.R.Gouri, Govt. Counsel for R1
 R2 - No Appearance

J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam J.)

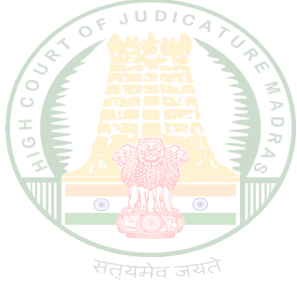
The present Writ Appeal has been instituted, challenging the writ order dated 28.07.2023 in W.P.No.22433 of 2023.



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2. Writ Petitioner, who is a Practising Doctor instituted divorce proceedings against his wife in H.M.O.P.No.1320 of 2023 on the ground of adultery before Family Court and the said petition is pending. He also submitted a complaint to the 1st respondent / Director General of Police that the 2nd respondent has committed adultery and he is one of the parties in the matrimonial proceedings in H.M.O.P.No.1320 of 2023. Since certain statements between the petitioner and 2nd respondent would show about commission of adultery, writ petition came to be filed, seeking direction for initiation of departmental proceedings against the 2nd respondent, who is holding the post of Additional Superintendent of Police.

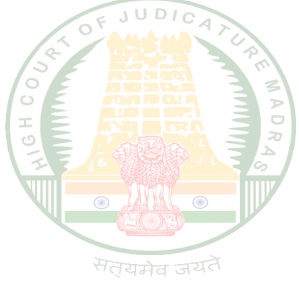
3. No doubt, under the Conduct Rules applicable to Government Servants and Police Officials, entering into a contract with any person during life time of spouse is a misconduct, warranting disciplinary action. However, there must be sufficient materials on record for initiation of disciplinary proceedings. Mere allegation by petitioner stating that 2nd respondent has adulterous life with his wife would be insufficient for initiation of departmental proceedings at this stage, since matrimonial proceedings between the petitioner and his wife is pending, wherein 2nd respondent has been impleaded as Adulterer.



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4. However, even under those circumstances, Department is empowered to consider the materials available on record for initiation of disciplinary proceedings. Government servants are bound to maintain good conduct both inside and outside the office in their life. Any misconduct, not relating to official performance, is also a ground to initiate disciplinary proceedings under the Conduct Rules, if it is a misconduct under Rules.

5. In the present case, 1st respondent has considered the complaint given by petitioner and found that enquiry has not revealed any conduct that would mandate departmental action. This reply was given in the year 2023 during pendency of writ appeal. However, if any such misconduct as contemplated under Conduct Rules applicable to Police Department is proved before any Court of Law, then the petitioner may submit a complaint for initiation of appropriate action in the manner known to law.



S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
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With the above observations, the present Writ Appeal stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (N.S.,J.)
09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To:

The Director General of Police,
Tamil Nadu State Police,
Radhakrishnan Salai, Chennai-04.

W.A.No.2035 of 2023