



W.P.(MD)No.14934 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.14934 of 2026

and

W.M.P(MD)Nos.11231 & 11233 of 2026

S.Sangavi

... Petitioner

Vs.

1.The Inspector General of Police,
No.1, Race Course Colony,
New Natham Road,
Bibikulam,
Madurai.

2.The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.

3.The Superintendent of Police,
Theni District,
Theni.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order passed by the third respondent vide his proceedings in C.No.25215/F1/510/2025 dated 23.01.2026 quash the same as illegal and consequently directing the third respondent to reinstate the petitioner into service.

For Petitioner : Mr.N.Balaji

For Respondents : Mr.K.K.Udayakumar

Counsel for Government of Tamilnadu

ORDER

Heard Mr.N.Balaji, learned counsel appearing for the petitioner, and Mr.K.K.Udayakumar, learned counsel appearing for the State of Tamil Nadu on behalf of the respondents.

2. This writ petition has been filed challenging the proceedings in C.No. 25215/F1/510/2025, dated 23.01.2026, whereby the third respondent imposed the punishment of compulsory retirement on the petitioner, who was serving as



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a Head Constable, consequent upon the conviction suffered by the petitioner for an offence under Section 138 of the Negotiable Instruments Act in S.T.C.No.57 of 2020, on the file of the Judicial Magistrate, Thiruvottiyur.

3. A perusal of the impugned proceedings discloses that the sole ground on which the impugned punishment has been imposed on the petitioner is the conviction suffered by the petitioner in the aforesaid case. The conviction and sentence imposed upon the petitioner were challenged in CrI.A.No.195 of 2025, on the file of the Principal and Sessions Judge at Thiruvallur. The said criminal appeal ended in a compromise before Lok Adalat, and consequently, the conviction and sentence suffered by the petitioner were set aside pursuant to the settlement arrived at between the petitioner and the complainant on 14.03.2026.

4. In the meanwhile, during the pendency of the said criminal appeal, the impugned proceedings came to be issued. The entire basis for issuing the impugned proceedings was the conviction suffered by the petitioner. It is now an undisputed fact that the said conviction and sentence no longer subsist.



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Therefore, the very basis of the impugned proceedings is not available as on date. Even otherwise, an offence under Section 138 of the Negotiable Instruments Act is not a proceeding of purely criminal in nature, rather, it is quasi-criminal. Perhaps for that reason only, the third respondent imposed the punishment of compulsory retirement under Standing Order No.66 of the Police Standing Orders. Once the conviction, which is the basis for imposing the punishment of compulsory retirement, has been set aside, the impugned proceedings cannot be sustained.

5. In fact, the very same issue fell for consideration before a Division Bench of this Court in ***L.Manjula vs. The State of Tamil Nadu, Rep. by the Secretary to Government*** reported in ***2016(2) L.W.147***, wherein it was held that a conviction under Section 138 of the Negotiable Instruments Act and the consequential conviction therein cannot be the basis for either removing or imposing any other punishment.



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WEB COPY 6. Insofar as the contention raised by Mr.K.K.Udayakumar, learned counsel for Government of Tamil Nadu that the petitioner has already availed the alternative remedy of appeal before the second respondent, this Court does not find the same to be an impediment to entertain the present writ petition as the existence of an alternative remedy is not an absolute bar to the exercise of writ jurisdiction.

7.This Court is of the considered view that the present case is a fit case for exercising jurisdiction under Article 226 of the Constitution of India in view of the fact that the petitioner is a widow upon whom the punishment of compulsory retirement has been imposed, thereby depriving the livelihood of the petitioner and her children. If the same is allowed to stand either on the ground of alternative remedy or otherwise, the same would have the effect of taking away the livelihood of the petitioner and her children. Therefore, this Court is inclined to entertain the writ petition notwithstanding the availability of an alternative remedy and despite the fact that the petitioner has already availed such remedy.



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WEB COPY8. In view of the above, the appeal filed by the petitioner against the impugned proceedings before the second respondent shall stand abated. Accordingly, this Court is thoroughly convinced that the impugned proceedings cannot be sustained and the same is accordingly quashed. The third respondent is directed to forthwith permit the petitioner to rejoin service. The period during which the petitioner is out of service shall also be regularised, in accordance with law.

9. Accordingly, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Neutral Citation: Yes / No
Index : Yes / No
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MUMMINENI SUDHEER KUMAR, J.

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