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Court : Chennai Madurai

Decided On : Sep-22-2016

Judge : The Honourable Dr. (Mrs.) Justice S. Vimala

Appeal No. : W.P(MD) No. 18134 of 2016

Appellant : A. Anuratha

Respondent : The Superintendent of Police, Karur District, Karur and Another

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in D.O.No.246/2016 in C.No.A4/14936/2015 dated 19.03.2016 and quash the same.)

1. This petition has been filed, seeking to quash the impugned order of the 1st respondent dated 19.03.2016 passed in D.O.No.246/2016 in C.No.A4/14936/2015 by which the petitioner was placed under suspension on account of pendency of the criminal case in Crime No.225 of 2014 on the file of the 2nd respondent herein under Sections 294(b), 324, 506(ii) and 420 IPC, which was taken cognizance by the learned Judicial Magistrate No.II, Kulithalai in C.C.No.26 of 2016.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that a complaint against the petitioner came to be lodged by one Jeyalakshmi, who is none other than the husband's uncle's daughter and that she is the neighbour of the petitioner; on a petition filed by the said Jeyalakshmi in CrI.O.P.(MD) No.22836 of 2013 seeking to register a case against the petitioner and her husband, the above case has been registered; on account of registration of the case, the husband of the petitioner, due to mental stress, had consumed poison on 12.03.2016 with an intention to commit suicide; he was immediately rushed to the hospital and that he managed to survive.

3.1. It is further case of the petitioner that in the meantime, the petitioner was placed under suspension on 19.03.2016; the petitioner sent a representation to the 1st respondent on 27.07.2016 for revocation of his suspension and since his representation has not been considered so far, this writ petition has been filed.

4. Perusal of the records would go to show that the order of suspension has been passed on 19.03.2016, in which it has been stated that the petitioner was placed under suspension only in the public interest. The fact remains that the suspension order came to be passed because of the pendency of criminal case before the learned Judicial Magistrate No.II, Kulithalai.

5. Therefore, having regard to the facts and circumstances of the case and also the suspension order, the learned Judicial Magistrate No.II, Kulithalai is directed to dispose of C.C.No.26 of 2016 within a period of three months from the date of receipt of a copy of this order. The 1st respondent, without prejudice to the steps being taken, is directed to consider the representation of the petitioner dated 27.07.2016 and take a decision with regard to his reinstatement within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.