2026:MHC:3930

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 07 / 09 / 2026

DELIVERED ON : 25 / 09 / 2026

CORAM:
THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

WA(MD) NO. 488 of 2025
{CNR: HCMD011180482024}
and
C.M.P. (MD) No.3827 of 2025 Case QR

1. The Director General of Police,
Director General of Prisons and Correctional Services,
Whannels Road,
Egmore,
Chennai 600 008.

2. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai 600 008.

3. The Member Secretary,
Tamil Nadu Uniformed Service Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai-600 008.

…Appellants /
Respondents

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Versus

R Dinesh
S/o. Ramesh
Door No.141, A.V.P. Asai thambi street
Bethaniyapuram
Madurai 625 016. ... Respondent /
Writ Petitioner

PRAYER in W. A. (MD) No.488 of 2025: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the Order dated March 18, 2024 passed in W.P. (MD) No.399 of 2024 on the file of this Court.

PRAYER in C.M.P. (MD) No.3827 of 2025: Civil Miscellaneous Petition filed praying to stay the operation of the Order dated March 18, 2024 passed in W.P. (MD) No.399 of 2024 pending disposal of the above Writ Appeal.

For Appellants : Mr.M.Kannan
Special Government Pleader
For Respondent : Mr.K.Muthu Ganesa Pandian

* * *

J U D G M E N T

R.SAKTHIVEL, J.

This Writ Appeal is filed at the instance of the respondents in W.P. (MD) No.399 of 2024, challenging the Order dated March 18, 2024 passed by a learned Single Judge of this Court. The prayer in the Writ Petition is for a Writ of Certiorarified Mandamus seeking to quash 'the Order No.

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52691/EW.1/2022 dated November 17, 2023 on the file of first appellant' ['the Impugned Order' for convenience and clarity].

2. For the sake of convenience, the respondent herein who had filed the aforesaid Writ Petition will be addressed as the writ petitioner, while the appellants herein who are the respondents in the Writ Petition will be continued to be addressed as appellants.

BRIEF FACTS LEADING TO THE FILING OF THIS WRIT APPEAL

3. Case of the writ petitioner in the Writ Petition is that the first appellant published notification for recruitment of Grade-II Police Constable / Jail Warden for the recruitment year 2022. The writ petitioner applied for the post of Jail Warden and duly qualified all the necessary tests. He got provisionally selected for the post of Jail Warden after certificate verification.

3.1. At the time of application itself, the writ petitioner had disclosed in his application about the criminal case against him in Crime No.129 of 2017 for the alleged offences punishable under Sections 147, 148, 188, 204(b), 332 of the Indian Penal Code, 1860 read with Sections 3 and 4 of

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the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 [TNPPDL Act] on the file of D2, Sellur Police Station, Madurai, which however ended in acquittal.

3.2. The first appellant relied on G.O. Ms. No.1410, Home (Pri-II) Department, dated October 17, 2008 to reject the writ petitioner's candidature stating that the aforesaid criminal case against the writ petitioner ended in acquittal on benefit of doubt and hence, the writ petitioner is to be treated as involved in the criminal case as per the afore-cited Government Order. Feeling aggrieved by the same, the writ petitioner approached this Court by way of the aforesaid Writ Petition by invoking Article 226 of Constitution of India.

4. After hearing both sides, the learned Single Judge held that the aforesaid criminal case was one that was filed against the persons who agitated in favour of *Jallikattu*, a bull-taming sport embedded in the roots of Tamil culture. And the Government of Tamil Nadu as a policy decision chose to withdraw 308 of such cases *vide* G.O. Ms. No.99, Home (Courts-IV) Department, dated February 20, 2021. Considering the cumulative circumstances, the learned Single Judge held that the benefit of the afore-cited G.O. Ms. No.99 shall be extended to the writ petitioner and

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accordingly, quashed the Impugned Order and directed the first appellant to appoint the writ petitioner as Jail Warden within a period of twelve weeks from the date of receipt of a copy of the Order. Feeling aggrieved, the respondents therein have preferred this present Writ Appeal.

ARGUMENTS

5. Mr.M.Kannan, the leaned Special Government Pleader appearing for the appellants / respondents would submit that the Inspector of Police, D2, Sellur Police Station, registered a criminal case in Crime No.129 of 2017 against twenty two persons including the writ petitioner for the alleged offence punishable under Sections 147, 148, 188, 341, 294(b) and 332 of the Indian Penal Code, 1860 read with Sections 3 and 4 of the TNPPDL Act. Thereafter, the investigation was transferred to Crime Branch - Criminal Investigation Department [CBCID] and the CBCID registered a case in Crime No.02 of 2017. After investigation, CBCID filed a charge sheet before the Jurisdictional Magistrate. As the offences under the TNPPDL Act are triable by Sessions Court, the learned Magistrate committed the case to Sessions Court, which framed charges against all the twenty two persons under Sections 147, 148, 188, 341, 294(b) and 332 of the Indian Penal Code, 1860 read with Sections 3 and 4

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of the TNPPDL Act, *i.e.,* under all the Sections mentioned in the First Information Report. After full trial, all the accused persons including the writ petitioner was acquitted by giving benefit of doubt to them.

5.1. He would further submit that, as per G.O. Ms. No.1410, Home (Pri-II) Department, dated October 17, 2008, a person acquitted or discharged on the benefit of doubt, shall be treated as a person involved in a criminal case for the purpose of recruitment into the disciplined force. On that basis, the first appellant found the past conduct of the writ petitioner not satisfactory and accordingly, passed the Impugned Order rejecting his candidature. He would emphasise on the fact that, the post of Jail Warden just like any other police posts, is a highly disciplined uniformed service. There is a high amount of dignity and discipline associated with the post. While so, appointing a person with even a taint of criminal background would be contrary and detrimental to the very nature of the service. The learned Single Judge failed to consider these facts in the right perspective. Accordingly, he would pray to allow the Writ Appeal and set aside the Order passed by the learned Single Judge in the Writ Petition.

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6. *Per contra,* Mr.K.Muthu Ganesa Pandian, learned Counsel appearing for the respondent / writ petitioner would submit that the allegation as against the writ petitioner is that he and others unlawfully assembled during Jallikattu agitation and pelted stones towards police personnels causing simple injuries. He would submit that the writ petitioner besides being an M.E. Post Graduate, is a law abiding citizen and was not involved in any *Jallikattu* agitation as alleged, much less in any of the alleged offences. The aforesaid criminal case was falsely foisted against the writ petitioner. According to him, the aforesaid criminal case in Crime No.129 of 2017 was registered only to control the law and order situation prevailing then. Further, the writ petitioner was not initially arrayed as an accused when the First Information Report was lodged; he was later roped in as Accused No.12 as an afterthought without any *prima facie* material solely to control the then law and order situation.

6.1. He would further submit that, the Sessions Case against the writ petitioner ended in acquittal after full trial, as there was literally no evidence connecting the writ petitioner and the other accused persons to the offences alleged. It is true that the Sessions Court did not employ the term 'honourable acquittal'. But it is to be noted that the term 'honourable acquittal' is not commonly used in criminal jurisprudence and the benefit

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of doubt is the usual ground for acquittal in any criminal case. In these circumstances, in view of the fact that there was literally no evidence to connect the writ petitioner with the alleged offences, the acquittal of the writ petitioner could only be taken as honourable acquittal contemplated under G.O. Ms. No.1410, Home (Pri-II) Department, dated October 17, 2008.

6.2. He would strongly submit that the writ petitioner's endeavour to join the uniformed service shall not be curtailed on the basis of a false criminal case without any evidence whatsoever. The learned Single Judge rightly appreciated the facts and circumstances of this case and rightly quashed the Impugned Order. There is no irregularity or illegality with the same. Accordingly, he would pray to dismiss the Writ Appeal.

DISCUSSION

7. This Court has considered both sides' submissions and perused the materials available on record.

8. The Impugned Order rejecting the candidature of the writ petitioner was passed by relying on G.O. Ms. No.1410, Home (Pri-II) Department, dated October 17, 2008, which stipulates that no person

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involved in any criminal case shall be eligible for appointment into constabulary service. Relevant portion reads thus:

> *"... ... ...*
> *(f)that a person has not involved in any criminal case before police verification*
>
> *Explanation (1): a person who is acquitted or discharged on benefit of doubt or due to the fact that the complainant had turned hostile shall be treated as a person involved in a criminal case.*
>
> *Explanation (2): a person involved in a criminal case at the time of police verification and the case yet to be disposed of and subsequently, ended in honourable acquittal or treated as mistake of fact shall be treated as not involved in a criminal case and he can claim right for appointment only by participating in the next recruitment."*

9. As per the above Government Order, the only exception for the disqualification of acquitted person's candidature is in case of honourable acquittal.

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10. The term "honourable acquittal" does not have any longstanding roots nor is it a widely used term having a clear and defined meaning in criminal jurisprudence. The term "honourable acquittal" has been considered by the Hon'ble Supreme Court as well as this Court in certain occasions. This Court deems it sufficient to cite one among them, namely the Judgment of Hon'ble Supreme Court in ***Commissioner of Police -vs- Mehar Singh***, reported in ***(2013) 7 SCC 685***, wherein referring to ***Inspector General of Police -vs- S. Samuthiram***, reported in ***(2013) 1 SCC 598***, it was held as hereunder:

> ***"****25. The expression "honourable acquittal" was considered by this Court in S. Samuthiram. ... ... This Court observed that the expressions "honourable acquittal", "acquitted of blame" and "fully exonerated" are unknown to the Criminal Procedure Code or the Penal Code. They are coined by judicial pronouncements. It is difficult to define what is meant by the expression "honourably acquitted". This Court expressed that when the accused is acquitted after full consideration of the prosecution case and the prosecution miserably fails to prove the charges levelled against the accused, it can possibly be said that the accused was honourably acquitted.****"*

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11. As it flows from the above Judgment, when an accused is acquitted on the basis of clear dearth of evidence, rather than on any legal technicality, compromise, or due to any serious flaw on the conduct of the case on the side of the prosecution like non-examination of key witness, it shall be treated as honourable acquittal in the context of service jurisprudence.

12. Coming to the facts of the present case, the allegation as against the writ petitioner is that he along with a few others unlawfully assembled during *Jallikattu* agitation, pelted stones at police personnels causing simple injuries to them and damaged vehicles. The same resulted in registration of Crime No.129 of 2017 against him which eventually culminated into the Sessions Case in S.C. No.373 of 2021 on the file of 4th Additional District and Sessions Judge, Madurai, which ended in acquittal.

13. In the said Sessions Case, 24 witnesses were examined on the side of the prosecution as P.W.1 to P.W.24. All the 24 depositions and the Judgment passed in S.C. No.373 of 2021 are available on the E-Courts Website and this Court has carefully perused all of them. None of the witnesses have identified any of the accused persons including the writ

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petitioner. There seems to be no evidence to connect the writ petitioner to the offences alleged. As there was no evidence whatsoever against the writ petitioner and the other accused persons, the learned Sessions Judge went on to acquit all of them. Thus, the acquittal was not due to any lapse on the side of prosecution, nor was it a result of any compromise or technicality; it was purely due to lack of evidence. Hence, though learned Sessions Judge acquitted the writ petitioner and others on the basis of benefit of doubt, it qualifies as a "honourable acquittal" contemplated under the aforementioned G.O. Ms. No.1410. It may also be noted that, there is no established concept of declaring an acquittal as "honourable acquittal" in the Judgment.

14. Further, as it could be seen from G.O. Ms. No.99, Home (Courts -IV) Department, dated February 20, 2021, the Government of Tamil Nadu made a policy decision to withdraw the cases registered during the 2017 *Jallikattu* protest and accordingly, 308 such cases were withdrawn among which were cases of similar nature *i.e.,* cases for alleged offences punishable under the TNPPDL Act.

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15. Moreover, the writ petitioner has disclosed the criminal case against him in his application dated August 1, 2022 in a *bona fide* manner. And he was acquitted about four months before, *i.e.,* on April 19, 2022. As the writ petitioner's acquittal qualifies an "honourable acquittal" in the context of service jurisprudence and as the said acquittal was well before his application to join the constabulary service and on cumulative consideration of the facts and circumstances of this case, this Court is of the considered view that the writ petitioner shall be treated as 'a person not involved in a criminal case' as contemplated in aforementioned G.O. Ms. No.1410. The learned Single Judge was right in their conclusion to quash the Impugned Order rejecting the writ petitioner's candidature and to direct the first appellant to appoint the writ petitioner as Jail Warden within a period of twelve weeks. This Court finds no warrant to interfere with the same. Therefore, this Writ Appeal fails and the Order of the learned Single Judge shall hold good.

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CONCLUSION

16. Resultantly, this Writ Appeal is dismissed as devoid of merits. Twelve (12) weeks time is granted to comply with the Order of the learned Single Judge dated March 18, 2024 passed in the Writ Petition. In view of the facts and circumstances of this case, there shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is closed.

(C.V.K.,J.) **(R.S.V,J)**
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Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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AND
R.SAKTHIVEL, J.

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JUDGMENT MADE IN
W.A. (MD) No.488 of 2025

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