

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 22.06.2017
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THE HON'BLE MR.JUSTICE P.N.PRAKASH**W.P. (MD) No.11066 of 2017**

K.Udhayakumar

... Petitioner

-vs-

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the respondents to issue Certificate of Character to the petitioner that he has no antecedents for the purpose of producing the same at the time of Joining the Duty in the BSF as per the appointment order dated 03.05.2017 within the time stipulated by this Hon' ble Court.

For Petitioner : Mr.Ananth C.Rajesh
For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking to direct the respondents to issue Certificate of Character to the petitioner that he has no antecedents for the purpose of producing the same at the time of Joining the Duty in the BSF as per the appointment order dated 03.05.2017.

2. The petitioner has been selected for appointment in the Border Security Force (BSF) in May, 2017 and he was directed to get "No Bad Antecedents" certificate from the local Police. When he applied for the same, he was informed that there are three FIRs pending against him in Crime Nos.863 of 2015, 864 of 2015 and 865 of 2015 on the file of the 2nd respondent police, which are all registered on 14.12.2015 for the offences under Sections 147, 148, 294(b), 448, 506(ii) IPC and Section 3(1) of TNPPDL Act.

3. It is the contention of the petitioner that he was never involved in the alleged offences and that the three FIRs were registered against 40 individuals belonging to the Hindu community in the village in connection with some disputes with the members of the Christian community. In all the three FIRs, the name of the petitioner has been shown as the 31st accused. According to the petitioner, he was neither present at the scene of occurrence nor

was he aware of the FIRs against him. It is his further case that had he been aware of the FIRs, he would have taken steps to obtain anticipatory bail. He became aware of the FIRs only when he approached the authorities for "No Bad Antecedents" certificate. Hence, the petitioner has filed the present writ petition with the above prayer.

4. Mr.M.Suthesan, Inspector of Police, Eraniel Police Station is present. On instructions, learned Additional Government Pleader submitted that the investigation conducted by the Police in three cases disclosed that the petitioner was not involved in the said offences and therefore, the Police are contemplating of filing necessary report before the jurisdictional Court for deleting the name of the petitioner from the FIRs.

5. This Court places on record its appreciation to Mr.M.Suthesan, Inspector of Police, Eraniel Police Station for conducting a fair investigation so that the life of a promising youngster, who is ready to join the Armed Forces and serve the cause of nation is not jeopardized. The respondent police is directed to file an alteration report in all the three Crime Nos.863 of 2015, 864 of 2015 and 865 of 2015 before the learned Judicial Magistrate, Eraniel, deleting the name of the petitioner from the FIRs within a period of two weeks from the date of receipt of a copy of this order and issue necessary certificate to the petitioner expeditiously.

With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
Eraniel Police Station,
Eraniel, Kanyakumari District.

+1cc to M/S. ANANTH C.RAJESH, Advocate, SR.No.61593.

W.P. (MD) No.11066 of 2017
22.06.2017

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