



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.3111 of 2017

Ajulal R.Viswam

... Petitioner

-vs-

1.The Superintendent of Police,
Kanyakumari District,
At Nagercoil.

2.The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing 1st Respondent to dispose of petitioner's representation dated 14.12.2016.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 1st Respondent to dispose of petitioner's representation dated 14.12.2016.

2.On the complaint of one Jebin, the second respondent police has registered a case in Crime No.743 of 2016 under Section 147, 148, 294(b), 341, 342, 323, 324 and 506(ii) I.P.C. against the petitioner and others and the investigation is in progress. While so, the petitioner has given a representation dated 14.12.2016, alleging that he has been falsely implicated in this case and his name should be deleted. After giving the representation, the petitioner has filed the present writ petition with the aforesaid prayer.

3.Heard Mr.C.K.M.Appaji, learned counsel appearing for the petitioner and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader appearing for respondents.



4. In the considered opinion of this Court, there is no statutory duty cast upon the Police to respond to such representation during the investigation, nor can the police delete a person from the F.I.R. However, if during the investigation, if it is found that the petitioner is innocent, it is needless to state that he will not be included in the Final Report, if filed. It is also represented that on the complaint given by this petitioner a counter case in Crime No.961 of 2016 has been registered by the respondent police against Jebin and others.

5. Under such circumstances, the prayer of the petitioner is misconceived and consequently, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District,
At Nagercoil.

2. The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanyakumari District.

+1cc to Mr.C.K.M.Appaji, Advocate Sr.No. 13003

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 13165

sj

AE/SV MMS/15.03.2017/2P/5C

W.P. (MD) No.3111 of 2017
07.03.2017