



WEB COPY

WP(MD)No.15353 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P. (MD) No.15353 of 2021

and

W.M.P. (MD) No.12255 of 2021

J.Ponraj

.. Petitioner

Vs

1.The Superintendent of Police,  
Kanyakumari District.

2.The Deputy Superintendent of Police,  
Nagercoil,  
Kanyakumari District.

3.The Inspector of Police,  
Aralvaimozhi Police Station,  
Kanyakumari District.

.. Respondents

**PRAYER:**Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records in connection with the impugned order passed by the 2<sup>nd</sup> respondent vide reply letter dated 08.05.2021 and quash the same and consequently to direct the 1<sup>st</sup> respondent to remove petitioner name in History Sheet in HC No.274/2003 on the file of 3<sup>rd</sup> respondent police and close the same.

For Petitioner : Mr.Niranjana S.Kumar

For Respondents : Mr.R.M.Anbunithi  
Additional Public Prosecutor  
(Crl.Side)

### ORDER

This petition is filed seeking an order to remove the name of the petitioner in the History Sheet in H.C.No.274 of 2003, which was maintained by the 3<sup>rd</sup> respondent herein.

2.This Court by order dated 15.03.2021 in W.P.(MD) No.102 of 2021, which was earlier filed by this petitioner, has directed the 2<sup>nd</sup> respondent therein to consider the representation made by the

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petitioner and pass orders within a period of two weeks from the date of receipt of a copy of that order by following the guidelines that has been issued in **Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Annanagar (L&O) Range, Madurai City, Madurai and others** reported in **2018 4 MLJ (Cr1) 585** and **Thirumagan Vs. The Superintendent of Police, Madurai District** reported in **2020 (2) LW (Cr1) 266**.

3.Now this petition came to be filed on the ground that based upon the aforesaid order, the 2<sup>nd</sup> respondent has passed an order on 08.05.2021, rejecting the petitioner's request not on the ground of merits but on the ground that only the Superintendent of Police is the competent person to consider such request.

4.I find that even though the order has been passed only based on the observation made by the Court, but with regard to merits also, the 2<sup>nd</sup> respondent ought to have submitted the request made by the petitioner to the 1<sup>st</sup> respondent herein to pass appropriate orders. It is probable that since direction was issued to the 2<sup>nd</sup> respondent, the impugned order has been passed by the 2<sup>nd</sup> respondent, but, in my considered view, it may not be proper compliance. So, the order passed by the 2<sup>nd</sup> respondent is hereby quashed and the matter is remanded back to the 1<sup>st</sup> respondent herein for considering the same on merits afresh. The 1<sup>st</sup> respondent shall pass appropriate orders within a period of 4 weeks from the date of receipt of a copy of this order.

5.With the aforesaid direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,  
Kanyakumari District.
- 2.The Deputy Superintendent of Police,  
Nagercoil,  
Kanyakumari District.



3.The Inspector of Police,  
Aralvaimozhi Police Station,  
Kanyakumari District.

+1 CC to M/s.NIRANJAN S KUMAR, Advocate ( SR-28864[F] dated  
13/09/2021 )

**W.P. (MD) No.15353 of 2021**  
**09.09.2021**

\_RD(27.09.2021) 3P 5C