



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2021

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WEB COPY

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

W.P. (MD).Nos.17313 & 17314 of 2021

C.Sujinraja .. Petitioner in W.P.(MD).No.17313 of 2021

C.Jeyasurya .. Petitioner in W.P.(MD).No.17314 of 2021

Vs.

1.The Commissioner of Police,
Tirunelveli District,
Tirunelveli.

2.The Deputy Commissioner of Police,
O/o. The Deputy Commissioner of Police,
Tirunelveli City.

3.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.

.. Respondents in both petitions.

COMMON PRAYER: Writ Petitions are filed under Article 226 of Constitution of India, for issuance of Writ of Mandamus, directing the respondents to remove the petitioners' name from the history sheet maintaining in file number 213 of 2021 and 214 of 2021 respectively on the file of the respondent No.3 by considering the petitioners' representations dated 09.07.2021 in light of the judgment i.e., Thirumagan and another Vs. The Superintendent of Police, Madurai reported in 2020 (2) L.W. (Crl.) 266 within the time framed by this Court.

For Petitioners : Mr.T.Thirumurugan
For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
(in both petitions)

COMMON ORDER

(These writ petitions are heard through video conference)

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to remove the petitioners' name from the history sheet maintaining in file number 213 of 2021 and 215 of 2021 respectively on the file of the respondent No.3 by considering the petitioners' representations dated 09.07.2021.



2.The case of the petitioners is that a false case has been registered against the petitioners in Crime No.1298 of 2020 for the offences punishable under Sections 147, 148, 294(b), 323, 307 and 506(ii) of IPC. It is a land dispute between them and third parties, for which a suit in O.S.No.228 of 2019 has been filed against one Perumal Pallavarayar before the I Additional District Munsif Court, Tirunelveli for permanent injunction and now it is pending. Similarly, the said Perumal Pallavarayar, has filed a suit in O.S.No.227 of 2019 before the same Court and it is also pending. Pending the above suits, criminal case has been registered against them. Except that case no other case is pending. Based upon which history sheets have been opened against them. They sent a representation dated 09.07.2021 to remove their name from the history sheet in the light of the order passed by this Court in the case of *Thirumagan and another Vs. The Superintendent of Police, Madurai*, reported in 2020 (2) L.W. (Crl.) 266. Since they were not considered, these writ petitions have been filed before this Court.

3.The learned Additional Public Prosecutor submitted that the representations of the petitioners will be considered by the first respondent in accordance with law.

4.Since the limited request has been made by the petitioners, a direction is issued to the first respondent herein to consider the representations dated 09.07.2021, made by the petitioners in accordance with law and pass orders on merits, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Commissioner of Police,
Tirunelveli District,
Tirunelveli.

2.The Deputy Commissioner of Police,
O/o. The Deputy Commissioner of Police,
Tirunelveli City.

3.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.

+2 CC to M/s.T.THIRUMURUGAN, Advocate (SR-30372[F],30371 dated
27/09/2021

W.P. (MD) .Nos.17313 & 17314 of 2021
23.09.2021

DJ(CO)
KB(12.10.2021) 3P 6C