



WEB COPY



W.P.No.17109 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. No.17109 of 2020

and

W.M.P.No.21176 of 2020

G.Vijayakumar

... Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2. The Inspector of Police,
Morappur Police Station,
Dharmapuri.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 12.10.2020 made in PVR No.S5872000221194 issued by the 2nd respondent and to quash the same, consequently direct the 2nd respondent to issue No Objection Certificate to the petitioner forthwith.

For Petitioner : Mr.G.Prabakaran

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned



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order dated 12.10.2020 made in PVR No.S5872000221194 issued by the 2nd respondent and to quash the same, consequently direct the 2nd respondent to issue No Objection Certificate to the petitioner forthwith.

2. The case of the petitioner is that when the petitioner applied for a passport, the passport authorities concerned requested the second respondent to verify the antecedents of the petitioner. Therefore, the petitioner applied for No Objection Certificate from the second respondent on 30.09.2020 through online. On receipt of the same, the second respondent rejected the request of the petitioner on the ground that the petitioner was involved in Crime No.360 of 2011 and Crime No.489 of 2012. Challenging the same, the petitioner has filed this Writ Petition.

3. The learned counsel for the petitioner would submit that in respect of Crime No.360 of 2011, after registration of the FIR, the second respondent deleted the name of the petitioner and two others by filing alteration report, wherein it is clearly mentioned that the petitioner has not involved in the aforesaid crime, pursuant to which, the second respondent has also filed final report only as against the other accused persons in Crime No.360 of 2011.



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4. Insofar as Crime No.489 of 2012 is concerned, after filing of the final report, it has been taken cognizance in C.C.No.5 of 2013 before the learned Judicial Magistrate, Harur and subsequently, it was ended in acquittal vide Judgment dated 30.11.2018.

5. On a perusal of the materials available on records, it reveals that the second respondent has mechanically rejected the request of the petitioner for issuance of No Objection Certificate. Therefore, this Court permits the petitioner to file a fresh application for issuance of No Objection Certificate before the second respondent. On such receipt, the second respondent is hereby directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition is allowed setting aside the impugned refusal order passed by the second respondent. Consequently, connected Miscellaneous Petition is closed. No Costs.

30.06.2022

Index : Yes / No

Speaking order : Yes / No

Anu

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G.K.ILANTHIRAIYAN. J.

Anu

To

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Inspector of Police,
Morappur Police Station,
Dharmapuri.

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