



W.P.No.34188 of 2022

WEB COPY **IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 20.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.34188 of 2022

N.Sekar

... Petitioner

Vs.

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

2. The Inspector of Police,
Veeraganur Police Station,
Veeraganur,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 23.09.2022 and pass orders in accordance with law.

For Petitioner : Mr.P.K.Sabapathi

For Respondents : Mr.S.Santhosh,
Government Advocate (crl.side)



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ORDER

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This Writ Petition has been filed to direct the respondents 1 and 2 to consider the petitioner's representation dated 23.09.2022.

2. It is submitted by the learned Counsel appearing for the petitioner that the case for the offences under Sections 279, 337 & 304(A) IPC was registered against the petitioner in Crime No.204 of 2018 on the file of the second respondent. Since there is no progress in this case, the petitioner filed a petition under Section 167(5) of Cr.P.C for stopping further proceedings in Crime No.204 of 2018. The learned Judicial Magistrate No.I, Attur, after considering the submissions of the petitioner's counsel, passed an elaborate order on 20.07.2022 and discharged the petitioner from the case. Even thereafter, the respondent's record shows that this case is still pending against the petitioner. Therefore, when the petitioner applied for passport, he was not issued passport for the reason that the case in Crime No.204 of 2018 is shown pending against him.

3. In this regard, the petitioner produced the communication letter received from the Regional Passport Office, Tiruchirappalli dated 28.03.2022 referring about the pendency of the criminal case against the petitioner, as per



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the police verification report. Though the petitioner gave a representation to the respondents with regard to discharge his name from the case, the same has not been considered so far. Hence, the present petition has been filed.

4. Learned Government Advocate (Crl.Side) conceded that the further proceedings was stopped by the learned Magistrate. He further submitted that the petitioner's representation dated 23.09.2022 will be considered and steps would be taken for closing the case from file of the respondent Police, shown as pending against the petitioner.

5. Recording the same, the respondent Police is directed to pass orders for the removal of petitioner's name from police records as an accused in Crime No.204 of 2018 and issue a clearance certificate to facilitate him to get passport.

6. With the above direction, this Writ Petition stands allowed. No costs.

20.12.2022

Internet: Yes
Index: Yes/No
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G.CHANDRASEKHARAN, J.

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To

1. The Superintendent of Police,
Salem District,
Salem.
2. The Inspector of Police,
Veeraganur Police Station,
Veeraganur,
Salem District.
3. The Public Prosecutor,
High Court of Madras.

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