



W.P(MD).No.19460 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.19460 of 2022

Jeyaprakash

... Petitioner

Vs.

1.The Regional Transport Officer,
The Regional Transport Office,
Sivagangai.

2.The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue badge driving licence to the petitioner.

For Petitioner : Mr.R.Venkatesan
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner sent a representation to the first respondent on 18.08.2022 seeking for issuance of badge licence. Thereafter, too he was not



provided with the licence. Hence, he is unable to continue avocation of driving and make earnings for his livelihood and filed this writ petition.

2. The contention of the petitioner is that the petitioner is a Post Graduate holding M.Com., degree. He is the first generation Post Graduate in his family and due to his social background, he is unable to get employment in any private enterprises. He is preparing for public service examination. In the meanwhile, he intends to drive auto, for which he needs badge licence, which is necessary. The petitioner had applied for the same and at that time, Regional Transport Authorities verified in the online and found that a case was registered against the petitioner in Crime No.4 of 2018 on 30.04.2018. In view of the same, the Regional Transport Authorities are unable to issue licence.

3. The petitioner had earlier sent representation to the Superintendent of Police, Sivagangai District on 29.07.2022 informing that the case has been closed on compromise. He further submitted that earlier, the complaint was lodged by his wife due to some misunderstandings with regard to the matrimonial dispute between them. FIR was registered on 27.02.2018 and the final report was ready on 30.04.2018. Thereafter, within months, the petitioner and his wife arrived at a compromise and filed quash petition in



CrI.O.P(MD).No.11286 of 2018. Recording the compromise and finding that the petitioner and his wife are living happily as husband and wife and quashed the case in Crime No.4 of 2018. Thereafter, the petitioner is not involved in any other case other than this case, which is primarily arise out due to matrimonial dispute. The petitioner has one son, namely, Kevin aged about three years old. This being so, citing the earlier FIR, now the petitioner has been denied for the issuance of badge licence.

4. The learned Special Government Pleader for the respondents submits that the second respondent informed the Regional Transport Authority about the closure of the case. The petitioner is not involved in any other case other than this case, which is now closed.

5. The Sub Inspector of the concerned Police Station is present before this Court and produced the case diary and it is seen that the fact of quashing of FIR and final report have been intimated to the concerned Magistrate Court. As on date, no case is pending against the petitioner.

6. Considering the submission and on perusal of the materials, it is seen that case in Crime No.4 of 2018 and consequential report have been quashed by this Court in CrI.O.P(MD)No.11286 of 2018, dated 18.07.2018. This case



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is registered due to difference of opinion between husband and wife and nothing more. Further, the second respondent had already informed the first respondent about the status of the case, which has been acknowledged.

7. In view of the same, this Court directs the first respondent to issue badge licence to the petitioner within a period of two weeks from the date of receipt of copy of this order, if the petitioner is otherwise eligible. The reference of the criminal case against the petitioner will not be impediment to the petitioner not only for issuance of badge licence but also to his future endeavour in seeking any employment.

8. With the above direction, the writ petition stands disposed of. No costs.

24.08.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue order copy on 25.08.2022



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To
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2. The Inspector of Police,
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M.NIRMAL KUMAR, J.

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