



W.P(MD)No.22386 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.22386 of 2022

Dr.Nangaiappan

...Petitioner

Vs.

**1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.**

**2.The Assistant Commissioner of Police,
Melapalayam Range,
Tirunelveli City,
Tirunelveli.**

**3.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
(In Crime No.488 of 2020)**

...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 necessary direction to the Respondents No.2 and 3 to remove the Petitioner and his father's name from the record in the third Respondent Police Station in connection with Crime No.488 of 2020, dated 20.06.2020, as per the direction of this Court in CrI.O.P(MD)No. 10188 of 2022, dated 10.06.2022 on the basis of the Petitioner's representation dated 15.06.2022.



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For Petitioner : Mr.P.Krishnasamy
For Respondents : Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the first Respondent to issue necessary direction to the Respondents No.2 and 3 to remove the Petitioner and his father's name from the record in the third Respondent Police Station in connection with Crime No.488 of 2020, dated 20.06.2020, as per the direction of this Court in CrI.O.P(MD)No.10188 of 2022, dated 10.06.2022 on the basis of the Petitioner's representation dated 15.06.2022.

2.It is the submission of the learned Counsel for the Petitioner that based on a civil dispute, a Rent Control proceedings has been initiated by the earlier landlord during the pendency of the execution proceedings. In continuous of the Rent Control proceedings, the original petitioner had sold the property to the De-Facto complainant, who happens to be a member of SC community. To evict the Petitioner from the premises, he has converted the criminal litigation. On investigation by the first



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Respondent, it was found that on the date of the alleged offences, the Petitioner was undergoing professional Course at Rajas Dental College & Hospital, Kavalkinaru, Tirunelveli District. Therefore, the second Respondent/Investigating Officer, investigated the case and closed the investigation as 'mistake of fact'. In spite of the fact that the investigation had been dropped, the names of the Petitioner in Crime No. 488 of 2020 is found on the web-site of the first respondent Police. Therefore, he seeks direction to the Respondents 1 to 3 to remove the name from the web-site maintained by police.

3.By way of reply, the learned Government Advocate (Crl.side) submits that eventhough the second Respondent had filed RCS as 'mistake of fact' before the Court concerned, RCS notice has been sent to the De-Facto Complainant. The De-Facto Complainant had filed a protest petition and the same has been came up for hearing before the learned II Additional District and Sessions Judge, Special Court for PCR Cases, Tirunelveli on 02.08.2022 and 07.09.2022. Therefore, this Court had sought remarks from the learned II Additional District and Sessions Judge, Special Court for PCR Cases, Tirunelveli.



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4.As per the remarks offered by the learned II Additional District and Sessions Judge, Special Court for PCR Cases, Tirunelveli, on filing of referred charge sheet as 'mistake of fact' by the second Respondent, notice was sent to the De-Facto Complainant to hear the objection, if any. This case was came up for hearing on 30.05.2022, for the De-Facto Complainant to engage the Counsel. On request, it was adjourned to 07.07.2022. On 07.07.2022, the De-Facto Complainant was not present and it was adjourned to 02.08.2022. On 02.08.2022, the De-Facto Complainant was present and it was adjourned to 07.09.2022 for enquiry. As on date of sending the remarks on 14.10.2022 by the learned II Additional District and Sessions Judge, Special Court for PCR Cases, Tirunelveli in D.No.2069/2022, dated 14.10.2022, the De-Facto Complainant had not filed any objection in spite of granting sufficient opportunity.

5.In the light of the remarks offered by the learned II Additional District and Sessions Judge, Special Court for PCR Cases, Tirunelveli, the Respondents 1 to 3 is directed to remove the name of the Petitioner from the web-site of the Respondents 1 to 3.



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6. With the above directions, this Writ Petition stands allowed.

No costs.

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Index : Yes/No

vsd

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2. The Assistant Commissioner of Police,
Melapalayam Range,
Tirunelveli City,
Tirunelveli.
3. The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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