



W.P.No.36494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.36494 of 2023

C.Chelladurai

...Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Mettur, Salem District.
- 2.The Assistant Director (Mines),
Mines and Minerals,
Collector Campus, Salem, Salem District.
- 3.The Commissioner of Police,
Salem District, Salem.
- 4.The Assistant Commissioner of Police,
Sooramangalam Division, Salem District.
- 5.The Inspector of Police,
Karuppur Police Station, Salem District.

...Respondents

Writ Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus to direct the fifth respondent to remove the petitioner's name Chelladurai, son of Chinnu Gounder from array of accused in Crime No.222 of 2022 on the file of Inspector of Police,



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Karuppur Police Station following the proceedings of the Revenue Divisional Officer, Mettur dated 18.08.2023 by considering the representation of the petitioner dated 17.11.2023 in accordance with law.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This writ petition has been for the issue of writ of Mandamus directing the 5th respondent to act upon the proceedings of the 1st respondent dated 18.08.2023 and to remove the name of the petitioner from the array of accused in Crime No.222 of 2022, which is pending investigation on the file of the 5th respondent.

2. Heard Mr.R.Sankarasubbu, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.



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3. The grievance of the petitioner is that he was added as an accused in the FIR in Crime No.222 of 2022 registered for offence under Section 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. According to the petitioner, he had nothing to do with the alleged offence and his name and the name of his brother were included in the FIR by mistake. An enquiry was also conducted by the 1st respondent and the 1st respondent through proceedings dated 18.08.2023 had concluded that the petitioner and his brother had nothing to do with the alleged offence and that their names will have to be removed. Pursuant to the same, a representation was made to the 5th respondent requesting for removal of the name from the FIR. Since the same was not acted upon, the present writ petition has been filed before this Court.

4. The learned Additional Public Prosecutor on instructions submitted that the investigation is pending.



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5. Taking into consideration the facts and circumstances and the proceedings of the 1st respondent dated 18.08.2023 based on the report that was submitted by the Tahsildar dated 11.03.2022 and also the proceedings of the Commissioner of Geology and Mining, Guindy, Chennai dated 29.09.2022, there shall be a direction to the 5th respondent to take those materials into consideration and if ultimately the petitioner and his brother are not involved in the crime, an alteration report shall be filed before the concerned Court by removing the names of those persons from the array of accused. A decision shall be taken by the 5th respondent in this regard within a period of four weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs.

04.01.2014

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

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- 5.The Inspector of Police,
Karuppur Police Station, Salem District.
- 6.The Public Prosecutor,
High Court of Madras.



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