



W.P.(MD)No.16434 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:08.11.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16434 of 2023

Ramkumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Police Computer Wing,
State Crime Record Bureau,
Rayapuram, Chennai-600028.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to remove the entire tabulation and details with the crime number and offences as if petitioner is involved in criminal case in the online police clearance certificate portal based on the orders passed in CrI.O.P.(MD) No.9576 of 2017 dated 02.08.2017.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to remove the petitioner from the tag of a criminal case since the case that was registered against the petitioner has already been quashed by this Court in CrI.O.P.(MD) No. 9576 of 2017 by order dated 02.08.2017.

2.Heard Mr.A.V.Arun, learned counsel for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing on behalf of the respondents.

3.The grievance of the petitioner is that he was attempting to get a job in the bank and the bank was insisting for producing a clearance certificate from the police. The police instead of stating that there is no criminal case pending against the petitioner, are referring to the earlier case which was already quashed by this Court. In view of the same, the tag of the criminal case continues to attach itself with the petitioner, as a result, the petitioner is not able to get any job.



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4.In the considered view of this Court, there was some private dispute which resulted in registration of an FIR in Crime No.844 of 2019 on the file of the Inspector of Police, Oomachikulam Police Station, Madurai District. Ultimately, on compromise between the parties, the FIR was quashed by an order dated 02.08.2017 in CrI.O.P(MD) No.9576 of 2017. Therefore, the tag of criminal case cannot continue to attach itself with the petitioner. Hence, when a clearance certificate is sought for from the police, the police will have to give a certificate to the effect that no criminal case is pending against the petitioner as on the given date. Instead, the police cannot be referring to an earlier FIR which has already come to an end. The same shall be kept in mind by the respondents police whenever a certificate is sought for by the petitioner.

5.The writ petition is disposed of in the above terms.

08.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

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- 2.The Inspector of Police,
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State Crime Record Bureau,
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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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