



W.P.(MD)No.27877 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 25.11.2024
PRONOUNCED ON : 06.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.27877 of 2024

M.Ajay

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai District.

2.The Inspector of Police,
CBCID – South, Madurai City,
Madurai District

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to remove the entry of “under Investigation” status in his Police Verification Report in PVR No.S5952200300603, dated 10.08.2022, on the file of the 2nd respondent in light of the order passed by this Court in CrI.O.P.No.2884 of 2022, dated 10.02.2022,

For Petitioner : Mr.K.Kharikharadas

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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The petitioner has filed the present Writ Petition seeking a direction, directing the respondents to remove the entry of “under Investigation” status in his Police Verification Report in PVR No.S5952200300603, dated 10.08.2022, on the file of the 2nd respondent Police, in light of the order passed by this Court in CrI.O.P.No.2884 of 2022, dated 10.02.2022,

2. Mr.K.Kharikharadas, the learned counsel appearing for the petitioner would submit that during the year 2017, the public in the State, more particularly, in the Southern District, agitated due to the ban imposed on Jallikattu a traditional event during Pongal Festival Period. Hence, there was upsurge and spontaneously several people held demonstration against the order of the Hon'ble Supreme Court and the Central and State Government, since the ban on Jallikattu affected their sentiments, which they have been enjoying for centuries. For one such protest, a case in Crime No. 129/2017 for the offence under Sections 147, 148, 188, 294(b) 332 and 341 of IPC and under Sections 3 & 4 of the Tamil Nadu Property (Opportunity of Damage and Loss) Act (For short, TNPPDL Act) registered against several persons in random and the



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petitioner's name is also included in the crime Number. Finding that the petitioner is juvenile, the case against the petitioner and two other juveniles were split up, final report filed before the Juvenile Justice Court, crime number registered, thereafter, the case was transferred to the CBCID. As regards the other accused, the case proceeded before the Sessions Court and the Sessions Court, after full fledged trial, acquitted all the accused. The petitioner was not aware of the registration of the case against him, since no summons served or any intimation on the petitioner about the pendency of the case.

3. The learned counsel for the petitioner would further submit that the petitioner applied for the post of CRPF examination and provisionally selected for the post. As a part of selection process, the CRPF made a Police verification through Crime and Criminal Tracking Network & Systems (hereafter 'CCTNS'), at that time Crime No.2 of 2017, for the offence under Sections 147, 148, 188, 294(b) 332 and 341 of IPC and Sections 3 & 4 of TNPPDL Act reflected against the petitioner, as under investigation. The petitioner filed CrI.OP.(MD)No.2884 of 2022, before this Court, to quash the proceedings against the petitioner in J.C.No.29/2021. This Court, by order dated 10.02.2022, quashed the case against



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the petitioner in J.C.No.29/2021, which is a culmination of investigation in Crime No.2/2017 by the CBCID Police. Despite quashing of the case against the petitioner on 10.08.2022, still it is reflected in CCTNS records, that the case is under investigation. Hence, the petitioner's selection is withheld. In this regard, the Petitioner earlier sent representations, dated 06.11.2024 and 12.11.2024 to the respondents, despite no action taken. Hence, the petitioner filed the present writ petition, seeking a direction, directing the respondents and the concern Police Wing to remove the entry of “under Investigation” status thereby, qualifying the petitioner to join the service of CRPF. The petitioner's dream of serving the Nation.

4. Mr.A.Thiruvadi Kumar, the learned Additional Public Prosecutor filed a report stating at on 23.01.2017 at about 5.30 p.m., around 100 persons from various areas assembled unlawfully under the Vaigai River, Thathaneri Bridge and conducted a rail-roko by shouting slogans demanding to conduct Jallikattu and ban on the “People for Ethical Treatment of Animals” (hereafter PETA). Thereafter, the petitioner and others were requested by the Railway Police Officials to disperse the crowd. The agitators refused to disperse and intimidated the Government Officials and



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continued rail-roko by shouting slogans in favour of Jallikattu and against PETA organizations. The Village Administrative Officer, (VAO) Madurai North, lodged a complaint and a case in Sellur P.S. in Crime No.129 of 2017 registered for the offence under Sections 147, 148, 341, 294(b), 323, 332, 188 of IPC., and Sections 3 & 4 of TNPPDL Act registered. This case latter transferred to CBCID for further investigation on the direction of the Director General of Police, Chennai.

5. The learned Additional Public Prosecutor would further submit that subsequently, the case was transferred to and CBCID reassigned the case in Crime No.2/2017 on 06.04.2017. On conclusion of investigation, charge sheet filed before the JM-IV against the 24 accused and final report against 3 juveniles before the Juvenile Justice Board. The case before the Sessions Court was in S.C.No.373/2021 and S.CNo.199/2022 and all accused were acquitted by Judgment dated 19.04.2022 and 08.12.2022 by the learned IV Additional District Judge, Madurai. As regards three juveniles, final report filed before the Juvenile Justice Board, Madurai in J.C.No.29/2021. The Petitioner/J1 filed a quash petition in Crl.O.P.(MD)No.2884 of 2022 and this Court, quashed the proceedings on 10.02.2022. Similarly one Prakash/J2 filed Crl.O.P.



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(MD)No.11513/2022 before this Court and this Court quashed the proceedings against him on 29.06.2022. Now, the case in J.C.No. 29 of 2021 is pending against Juvenile Balavinothraja/J3. Since the case against J3 is pending in corollary Crime No.2/2017 is shown as pending. As per CCTNS software, only if the case against all the accused in a particular crime number is quashed or disposed, then only the same can be uploaded and the Crime number can be removed from the CCTNS record. In view of the case pending against Balavinothraja/J3, Crime No.2 of 2017 is shown as under investigation in CCTN records. The learned Additional Public Prosecutor, on instruction, fairly submits that the said Balavinothraja/J3 is also on the same footing as that of the petitioner/J1 and Prakash/J2, against both cases have been quashed by the High Court.

6. Considering the submission and perusal of the materials it is seen that in this case, there are totally 24 accused against whom the case in Crime No.2/2017 registered for Jallikattu Protest, out of which 3 of them were juveniles, proceeded in J.C.No.29/2021. The case against other accused got acquitted in S.C.No.273/2021 and S.C.No.199/2022. As regards the petitioner, the case has been quashed by this Court in Crl.O.P.(MD)No.2884 of 2022, on



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10.02.2022. For juvenile Prakash/J2, this Court quashed the proceeding in CrI.O.P.(MD)No.11513/2022. Except for juvenile Balavinothraja / J3, the case against all has been now disposed. It is seen that, since the case against Balavinothraja/J3 is pending in J.C.No.29/2021 in CCTNS, Crime No.2 of 2017 is shown as under investigation, which causes obstacle and hardship to the petitioner, in getting appointed as CRPF police personnel. The petitioner cleared all the selection process, but for his name reflected in the CCTNS. The selection process would have been completed by now. Further, finding that Balavinothraja/J3, who is also similarly placed, who due to poverty unable to file any quash petition as informed by the respondent hence, case against him is hereby quashed. Since, now the case against all the accused in Crime No.2/2017 acquitted or quashed, the respondent police can have no impediment in deleting / removing the Crime No.2 of 2017 from the CCTNS, more so, against the petitioner. In view of the same, this Court, directs the respondents to remove the entry of “under investigation” status in the petitioner's Police Verification Report, dated 10.08.2022, thereby, enabling and ensuring the petitioner to get posted in CRPF or any other employment or education in future. It is made clear that Crime No.2/2017, henceforth cannot be quoted as disqualification against the petitioner in any manner.



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7. With the above direction, the Writ Petition is allowed. No costs.

06.12.2024

NCC : Yes / No
Index : Yes / No
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Note : Issue order copy on 09.12.2024



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To

- 1.The Commissioner of Police,
Madurai City,
Madurai District.
- 2.The Inspector of Police,
CBCID – South, Madurai City,
Madurai District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Mpk

Pre-Delivery Order made in
W.P.(MD)No.27877 of 2024

Dated: 06.12.2024