

2021 SCC OnLine Mad 16470

In the High Court of Madras  
(BEFORE P.N. PRAKASH AND R. HEMALATHA, JJ.)

V. Swaminathan ... Petitioner;

*Versus*

Registrar General, High Court of Madras and Others  
... Respondents.

W.P. No. SR73910 of 2021

Decided on December 8, 2021

Advocate who appeared in this case :

For Petitioner: Mr. K. Kulandaivelu

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents to redact the name and details of the petitioner's daughter viz., Kiruthika in the body of the judgment dated 24.11.2016 in CrI.O.P. No. 20192 of 2013 passed by this Court.

The Order of the Court was delivered by

P.N. PRAKASH, J.:— This writ petition has been filed seeking to direct the respondents to redact the name and details of the petitioner's daughter viz., Kiruthika in the body of the judgment dated 24.11.2016 in CrI.O.P. No. 20192 of 2013 passed by this Court.

2. Heard Mr. K. Kulandaivelu, learned counsel for the petitioner.

3. One "X" (husband) got married to "Y" (wife) and their marriage ran into rough weather resulting in them getting estranged. On a complaint given by "Y", a case in Crime No. 6 of 2011 was registered by the police and after completing the investigation, a final report in C.C. No. 913 of 2012 was filed before the Judicial Magistrate Court No. I, Alandur, for the offences under Sections 498-A, 312 and 506(I) IPC against "X" and his family members.

4. During the pendency of the prosecution, "X" and "Y" entered into an agreement, under which, they decided to dissolve their marriage and also buried the hatchet.

5. Thereafter, "X" and "Y" approached this Court in CrI.O.P. No. 20192 of 2013 under Section 482 Cr.P.C. for quashing the prosecution in C.C. No. 913 of 2012 on the ground that the matter has been settled.

6. Accordingly, this Court, by order dated 24.11.2016 in CrI.O.P. No. 20192 of 2013, quashed the prosecution in C.C. No. 913 of 2012.

7. While that being so, the petitioner, who is the father of "Y", has

filed the present writ petition under Article 226 of Constitution of India for redaction of his daughter's name from all the records of this Court.

8. Since the Registry has entertained a doubt regarding the maintainability of this petition, the same has been posted before this Court under the caption 'for maintainability'.

9. The learned counsel for the petitioner submitted that the High Court of Karnataka in *Vasunathan v. The Registrar General, High Court of Karnataka*<sup>1</sup>, has passed an order of redaction in tune with the "Right to be Forgotten" principle that obtains in Western countries.

10. The learned counsel for the petitioner drew the attention of this Court to the provisions of Section 22 of the Hindu Marriage Act, 1955, as well the order passed by a learned Single Judge of the Kerala High Court in *XXX v. Union of India*<sup>2</sup>.

11. Of course, in that case, the learned Single Judge of the Kerala Court, after elaborate discussion, has tagged the matter with other such matters that are pending before a Division Bench and has merely stated that the name of the parties will not appear in his order alone.

12. We gave our anxious consideration to the rival submission made by the learned counsel for the petitioner.

13. In this writ petition, the Registrar General of this Court has been made as the first respondent. We are afraid that a writ of this nature cannot be entertained, inasmuch as, the High Court is a court of record and in the absence of rules, a mandamus as sought for by the petitioner cannot be granted.

14. Hence, we uphold the objection raised by the Registry and close this writ petition as not maintainable at the SR stage itself. No costs.

---

<sup>1</sup> decided on 23.01.2017 in W.P. No. 62038 of 2016 (GM-RES)

<sup>2</sup> decided on 15.03.2021 in W.P.(C). No. 6687/2017(R)