



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2015

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P (MD) No.11754 of 2015

and

M.P (MD) No.1 & 2 of 2015

M.Ambrose

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District at Nagercoil
2. The Deputy Superintendent of Police,
Nagercoil, Kanyakumari District.
3. The Inspector of Police,
Nesamony Nagar Circle,
Nagercoil, Kanyakumari District.
4. The Inspector of Police,
Asaripallam Police Station,
Asaripallam - 629 201.
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the third respondent Inspector of Police, Nesamony Nagar Circle, Kanyakumari District dated 16.06.2015 by way of reply notice and quash the same and further direct the respondents to remove the name of the petitioner from the History Sheet / Rowdy List on the file of the 4th respondent Asaripallam Police Station in No.3 of 1991.

For Petitioner : M/s.S.Xavier Rajini

For Respondent : Mr.M.Murugan

Government Advocate

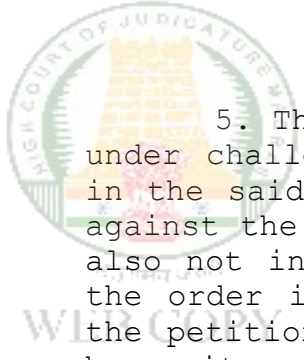
ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the third respondent Inspector of Police, Nesamony Nagar Circle, Kanyakumari District dated 16.06.2015 by way of reply notice and quash the same and further direct the respondents to remove the name of the petitioner from the History Sheet / Rowdy List on the file of the 4th respondent Asaripallam Police Station in No.3 of 1991.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The History Sheet opened against the petitioner in No.3 of 1991, on the file of the the fourth respondent Police, seeking to remove his name, the petitioner made the representations on 03.03.2014 and 08.05.2014. The said representation was not considered by the respondent. Hence, the petitioner is before this Court.

4. In pursuant to the direction issued by this Court, the representation was considered and the same was rejected by the respondent. Challenging the same, the present Writ Petition is filed.



5. The learned counsel for the petitioner submitted that, the order under challenge clearly shows a palpable non-application of mind. Even in the said order it has been clearly stated that all the cases raised against the petitioner right from 1988 to 2002 ended in acquittal. He was also not involved in any criminal activity from 2004 to 2015. However, the order impugned would state that the investigation would reveal that the petitioner has indirectly helped to one prime accused and he has to be monitored.

6. This Court is of the view that the order impugned cannot be sustained in the eye of law. A duty is imposed upon the respondent concerned to review the History Sheet opened from time to time. As admittedly, there is no pending case against the petitioner from the year 2004 onwards. on mere apprehension without discreet investigation being done, the same cannot be pending from the year 1991 onwards. Accordingly, the order impugned is set aside and a direction is issued to the respondents Nos.3 and 4 to remove the name of the petitioner from the History Sheet within a period of four weeks from the date of receipt of copy of this order.

7. Accordingly, the petition is disposed of with the above directions. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

The Assistant Registrar(co)

/True copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District at Nagercoil
2. The Deputy Superintendent of Police,
Nagercoil, Kanyakumari District.
3. The Inspector of Police,
Nesamony Nagar Circle,
Nagercoil, Kanyakumari District.
4. The Inspector of Police,
Asaripallam Police Station,
Asaripallam - 629 201, Kanyakumari District.

+1cc to Mr.S.Xavier Rajini, Advocate SR.No.38650
+1cc to special Government Pleader SR.NO.38223

pmu

Sm:IV:5.08.2015:2P/7C

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and
M.P (MD) No.1 & 2 of 2015
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