

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

CrI.O.P.No.17968 of 2015

Harikrishnan ... Petitioner
Vs.,

1.The Commissioner of Police,
Vepery,
Chennai-600 007.

2.The Inspector of Police,
Kundrathur Police Station,
Kundrathur,
Chennai. ... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the 1st respondent-Police to remove the History Sheet opened by the 2nd respondent-Police and to further not to harass the petitioner without due process of law.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.C.Emalias, APP

ORDER

This petition has been filed by the petitioner praying to direct the 1st respondent-Police to remove the History Sheet opened by the 2nd respondent-Police in respect of the petitioner herein and to further not to harass the petitioner without due process of law.

2.In the affidavit filed in support of this petition, it has been stated by the petitioner that the petitioner is residing at No.7/27, Gandhi Street, Galatipet, Sirukalathur, Kuntrathur, Chennai and he is leading a humble life. Due to political reasoning, the 2nd respondent, Inspector of Police, is frequently harassing the petitioner and his family members. Earlier, the petitioner had been detained under Act 14/82, and his wife had moved this Court by way of filing W.P.No.13804 of 2013, and got an interim order directing the 2nd respondent not to detain the petitioner under Act 14/82 and the said writ petition is pending. Now, the 2nd respondent-Police has opened a History Sheet in respect of the petitioner without any material. Hence, the petitioner made a representation on

07.07.2015 to the 1st respondent, Commissioner of Police, seeking to direct the 2nd respondent to remove the name of the petitioner from the History Sheet and further not to harass the petitioner without due process of law. Since the said representation was not considered by the 1st respondent, the petitioner has come forward with the present petition before this Court.

3.The respondents have filed a counter affidavit stating that the History Sheet Register was opened in the name of the petitioner vide H.S.No.419/2003 by the Deputy Superintendent of Police, Poonamallee Sub-Division, Chennai on 13.06.2003 and the same is still maintained by the 2nd respondent-Police due to the continuous habitual criminal activities of the petitioner. Due to his unlawful and illegal criminal activities, the petitioner is regularly under watch by the respondents-police till date. The petitioner is a habitual criminal offender, involved in various cases, including murder cases, attempt to murder cases. The details of the cases are as follows:-

Sl.No.	Police Station with Crime No.	Section of law	Stage of the case
1.	T-13 Kundrathur PS Cr.No.259/2001	341, 323 & 226 IPC	C.C.No.226/2004 - JM Court, Sriperumbudur
2.	T-13 Kundrathur PS Cr.No.647/2002	341, 323 & 506 (ii) IPC	C.C.No.149/2003 - J.M.Court, Sriperumbudur
3.	T-13 Kundrathur PS Cr.No.252/2003	147, 148, 307, 324, 336, 427 & 506(i) IPC	C.C.No.250/2004 - J.M.Court, Sriperumbudur
4.	T-13 Kundrathur PS Cr.No.187/2011	147, 148, 307, 302, 506(ii) IPC r/w Sec. 3 & 4 of Exp. Substances Act, 1908	P.R.C.No.22/2011 - J.M.Court, Sriperumbudur
5.	T-13 Kundrathur PS Cr.No.199/2011	294(b), 427, 307 & 506(ii) IPC	S.C.No.94/2015 - Sub-Court, Kancheepuram.
6.	T-13 Kundrathur PS Cr.No.341/2014	294(b), 353, 427, 336 & 307 IPC	Under investigation

4.It is further stated in the counter affidavit that the petitioner is a notorious rowdy and he is involved in criminal activities from the year 2001. Earlier, the petitioner was detained under Goondas Act vide., Detention Order No.BDFGISSV/41/2011, dated 14.07.2011 passed by the Commissioner of Police, Chennai City for his illegal activities. Hence, the petitioner is under watch and ward by the second respondent police till date. Thus, the respondents-Police sought for dismissal of the petition.

5.The learned counsel for the petitioner, by relying upon the decision of this Court, reported in 2010(3) MWN (Cr.) 229 [Ganesan Vs. The District Superintendent of Police], submitted that a person's name should not be included in the History Sheet mechanically, since it would affect his freedom of life and liberty. In the instant case, from the year 2003 onwards, the name of the petitioner has been kept in the History Sheet continuously, without any rhyme or reason. Thus, the learned counsel for the petitioner sought for a direction for removing the name of the petitioner from the History Sheet.

6.The learned Additional Public Prosecutor opposed to entertain the prayer sought for by the petitioner, stating that the petitioner is a notorious criminal and he is involved in many cases and some of the case are pending against the petitioner. Further, even in the year 2014, the petitioner is involved in a case of attempt to murder in Crime No.341/2014 on the file of the T-13, Kundrathur Police Station. Periodically the case of the petitioner was reviewed by the Officers concerned; thereafter only, the name of the petitioner has been kept in the History Sheet. The learned Additional Public Prosecutor has also produced the History Sheet maintained by the 2nd respondent-police in respect of the petitioner, to show that the petitioner's case was periodically reviewed and his name was kept continuously in the History Sheet. Thus, the learned Additional Public Prosecutor sought for dismissal of the petition.

7.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and perused the materials available on record.

8.From a reading of the History Sheet maintained by the 2nd respondent-Police in respect of the petitioner, it is seen that finally the petitioner's name was reviewed on 01.01.2016. Further, even in the year 2014, the petitioner is involved in an attempt to murder case registered in Crime No.341/2014 on the file of the T-13, Kundrathur Police Station. The name of the petitioner is being kept in History Sheet, only based on the review by the concerned officers. The decision relied upon by the learned counsel for the petitioner is not applicable to the present facts of the case.

9.Considering the factual aspects of the case and also taking into account the fact that the petitioner is involved in an attempt to murder even in the year 2014, I am of the opinion that it is not a fit case to give direction to remove the name of the petitioner from the History Sheet. I do not find any merit in this petition and the petition is liable to be dismissed.

In fine, the criminal original petition is dismissed.

SSV

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To,

1.The Commissioner of Police,
Vepery,
Chennai-600 007.

2.The Inspector of Police,
Kundrathur Police Station,
Kundrathur,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.R. Sankarasubbu, Advocate sR.5705

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PUR(CO)
Eu 17.02.16

सत्यमेव जयते

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