

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.33291 of 2015

and M.P.No.1 of 2015

1.Rajaram
2.Rajappan

... Petitioners

Vs

1.The District Collector,
Salem District,
Salem.

2.The Superintendent of Police,
Salem District, Salem.

3.The Deputy Superintendent of
Police,
Mettur, Mettur Taluk,
Salem District.

4.The Inspector of Police,
Karumalaikoodal Police Station,
Karumalaikoodal,
Mettur Taluk, Salem District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the third respondent to order to delete the petitioners from the history sheet in Sl.No.138 of 2012 maintained for the habitual offenders on the file of the fourth respondent.

For Petitioners : Mr.G.K.Elanthiraiyan, for
M/s.Sai Bharath and Ilan

For Respondents : Mr.P.Sanjai Gandhi,
Addl. Govt. Pleader

ORDER

The petitioners have come up with the present writ petition for a mandamus, directing the third respondent to order to delete their name from the history sheet in Sl.No.138 of 2012 maintained for the habitual offenders on the file of the fourth respondent.

2. It is the case of the petitioners that the first petitioner is a M.A., M.Ed. graduate and he was appointed as a teacher in the Government Girls Higher Secondary School, Nangavalli, Mettur Taluk. The second petitioner is an agriculturist. He is also having license for fishing in the reservoir of Mettur Dam near Puduvelamangalam. The first petitioner got married with one S.Kavitha on 24.4.2002. Due to wedlock, they gave birth to a female child. While so, in the year 2009, there was misunderstanding between the first petitioner and his wife and hence, his wife left the matrimonial home and stayed along with her parents. Even though there were several negotiations and panchayats between the first petitioner and his wife, no amicable settlement was arrived at between them for re-union. During Panchayat, one Premkumar, who is the cousin brother of the first petitioner's wife, insisted his wife and attacked the first petitioner along with rowdy elements. Because of his intervention and insistence, the first petitioner's wife was constrained to lodge a complaint against the first petitioner and his family members before the All Women Police Station, Mettur and the same was registered in Crime No.10 of 2009 for the alleged offence punishable under Sections 498(A), 232 and 506(i) I.P.C. Subsequently, the said Premkumar made a false complaint against the first petitioner by adding his Advocate one Kavitha and one Anbuselvan on the allegation that he tried to attack him. The said complaint was also registered in Crime No.236 of 2009 for the alleged offence punishable under Sections 147, 148 and 506(ii) I.P.C. and Section 75 of MCP Act. Because of the pendency of the above cases, the petitioners' names were recommended to include in the history sheet of habitual offenders in their locality. The third respondent without conducting any enquiry and without knowing their background and antecedents, simply passed an order to include their names in the history sheet maintained by the fourth respondent. Immediately, after creating history sheet in Sl.No.138 of 2012 on 23.3.2012, the fourth respondent registered a case in Crime No.133 of 2012 under Section 107 I.P.C. and produced the petitioners before the Revenue Divisional Officer. Immediately after six months from the registration of the complaint lodged by the first petitioner's wife, the first petitioner and his wife got reunited and now they are living

happily and gave birth to another child. Therefore, the family problem between the first petitioner and his wife came to an end. But, the fourth respondent as well as the Inspector of Police, All Women Police Station laid charge sheets in the above said cases and the same were taken cognizance by the learned Judicial Magistrate No.II, Mettur in C.C.Nos.27 and 135 of 2011. So far as the second petitioner is concerned, he is an accused only in C.C.No.135 of 2011. Subsequently, the entire proceedings in C.C.No.135 of 2011 and C.C.No.27 of 2011 were quashed by this Court in Crl.O.P.Nos.16078 of 2015 and 32583 of 2014 respectively. As on date, no case is pending against the petitioners and they have also no previous antecedents in respect of any other cases. In spite of the same, on every festival and politician's meetings, the petitioners were directed to execute bonds. Hence, the petitioners sent various representations and finally on 14.7.2015 requesting the respondents to delete their names from the history sheet dated 13.3.2012 on the file of the fourth respondent. Since no action was taken on the said representations, the petitioners have come up with the present petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the entire materials available on record and I find that the cases filed against the petitioners are only relating to matrimonial dispute and as on date, all the criminal proceedings pending against the petitioners were quashed by this Court. More over, the first petitioner and his wife got reunited and they are living together happily. Therefore, I do not find any valid reason for continuance of their names in the history sheet dated 13.3.2012 and the petitioners are entitled to the relief sought for by them.

4. In the result, the writ petition is allowed and the third respondent is directed to order for deletion of the name of the petitioners from the history sheet in Sl.No.138 of 2012 maintained for the habitual offenders pending on the file of the fourth respondent. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub-Assistant Registrar

sbi

To

1.The District Collector,
Salem District,
Salem.

2.The Superintendent of Police,
Salem District, Salem.

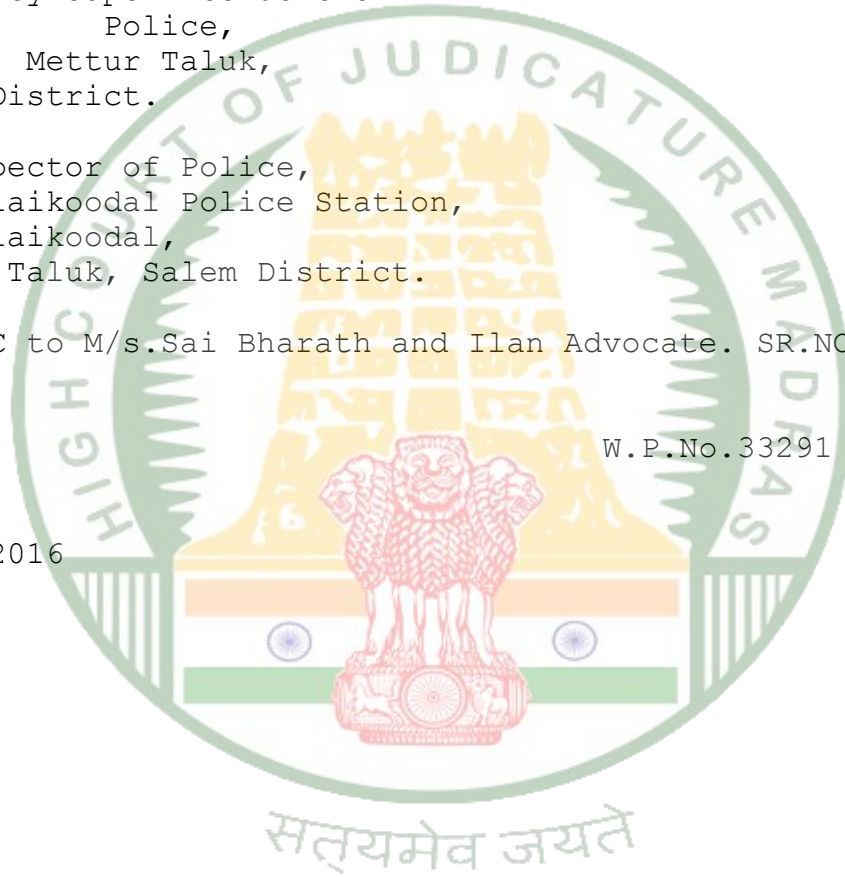
3.The Deputy Superintendent of
Police,
Mettur, Mettur Taluk,
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4.The Inspector of Police,
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Karumalaikoodal,
Mettur Taluk, Salem District.

+1 CC to M/s.Sai Bharath and Ilan Advocate. SR.NO. 826

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CO-SKV
JD 11/01/2016



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