

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P.No.4130 of 2016

M.Vijayaraj

... Petitioner

Vs.

1.The Superintendent of Police,
Kanchipuram District,
Kanchipuram.

2.The Inspector of Police,
Otteri Police Station,
Vandaloor,
Chennai-600 048.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus, to call for the records in the order in Na.Ka.No.Ji 1/278/47089/2015, dated 20.11.2015 passed by the 1st respondent and quashing the same and direct the respondents to remove the petitioner's name from the history sheet maintained by the respondent No.2.

For Petitioner :Mr.P.Pugalenth

For Respondents :Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records in the order in Na.Ka.No.Ji 1/278/47089/2015, dated 20.11.2015, passed by the 1st respondent, to direct the respondents to remove the petitioner's name from the history sheet maintained by the respondent No.2 and to quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner was acquitted from all the cases leveled against him and no case case is pending against the petitioner. However, the respondents has not removed the petitioner's name from the history sheet maintained by the respondent No.2. Therefore, he has given a representation dated 02.03.2014 to the

respondents to delete his name. But the same was not considered by the respondents. Hence, the petitioner has filed a Writ Petition in W.P.No.27469 of 2015 and this Court vide order dated 02.09.2015 directed the 1st respondent to consider the petitioner's representation within a period of six weeks. On 20.11.2015, his representation has been rejected and orders have been passed. Hence, this petition has been filed to set aside the order of rejection.

3.At this juncture, the learned Additional Government Pleader appearing for the respondents submitted that the petitioner was facing five criminal cases and admittedly, all the cases have been ended in acquittal. In Para 7 of the counter affidavit, it was stated that the petitioner is aged about 43 years, who was involved in the above mentioned cases and hence, the police surveillance is necessary, according to Police Standing Order 749(2A) and therefore, the name of the petitioner has been rightly included in the history sheet.

4.At the time of argument, the learned Additional Government Pleader fairly submitted that the petitioner was acquitted from all the cases.

5.Considering the rival submissions made on both sides that no case is pending against the petitioner and he was acquitted from all the cases, but, that factum was not considered by the respondents while passing the impugned order. In the impugned order, the respondent police has stated that he may likely commit offences. On perusal of Para 6 of the counter affidavit shows that after 2004-2005, the petitioner has not involved in any cases. Hence, this Court is of the view that the impugned order is unsustainable. Hence, it is hereby set aside. The respondents are directed to remove the petitioner's name from the history sheet maintained by the respondent No.2.

Accordingly, this Writ Petition is disposed of with the above direction. No costs.

mps

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Kanchipuram District,
Kanchipuram.

2.The Inspector of Police,
Otteri Police Station,
Vandaloor,
Chennai-600 048.

+ 1 cc to Mr.P.Pugalenthil, Advocate, SR 21914

+ 1 cc to Govt.Pleader, High Court, Madras SR 22204

msm(co)
prk28/4

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