

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.10812 of 2017  
W.M.P.No.11751 of 2017

Sella Rajamani

... Petitioner

Vs

1. The Superintendent of Police,  
Namakkal District,  
Tiruchengode Road,  
Namakkal.
  2. The Deputy Superintendent of Police,  
Namakkal District,  
Paramathi Road, Namakkal.
  3. The Inspector of Police,  
Mohanur Police Station, Mohanur,  
Namakkal Taluk & District.
- ... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the records pertaining to the order in History Sheet No.299 of 1999 dated 05.03.1999 that was closed on 28.06.2000 and again re-opened on 24.11.2014 on the file of the third respondent, Inspector of Police, Mohanur Police Station, Mohanur, Namakkal District and quash the same and consequently directing the third respondent to delete the name of the petitioner from the History Sheet List.

For Petitioner : Mr.N.R.Elango, Senior Counsel  
for P.Tamizh Kumaran

For Respondents: Mr.S.Babu,  
Government Advocate.

## ORDER

The present writ petition has been filed to quash the History Sheet No.299 of 1999 dated 05.03.1999, opened in the name of the petitioner which was closed on 28.06.2000 and again re-opened on 24.11.2014 on the file of the third respondent, Inspector of Police, Mohanur Police Station, Mohanur, Namakkal District.

2. The petitioner is the President of the Tamil Nadu Sand Lorry Owners' Federation. According to the learned Senior Counsel appearing for the petitioner, the petitioner had been actively involved in fighting against the evils of corruptions and illegal sand quarrying and other civic requirements. In this regard, various cases came to be filed against him by the respondent police and consequently, History Sheet No.299 of 1999 was opened against the petitioner on 05.03.1999 and the same came to be closed in the year 2000. Subsequently, it was again re-opened in the year 2014 and the same is pending. According to the learned Senior Counsel for the petitioner, since all the cases against the petitioner have now been closed, he seeks for quashing the history sheet opened in the petitioner's name.

3. The learned Government Advocate appearing for the respondents opposed the arguments and submitted that the petitioner is in the habit of doing Katta Panchayath and as on date, nine cases have been filed against the petitioner, in which three cases are now under investigation. Since the petitioner has been involved in the criminal activities from 1998, the history sheet has been lawfully opened and there is no necessity to quash the same.

4. I have given careful consideration to the submissions made by the learned counsel appearing for the both sides.

5. Today, the learned Government Advocate submitted the third respondent's status report dated 21.11.2017, in which the petitioner's involvement in the criminal cases has been narrated as hereunder:-

| Sl.No | Crime No.    | Section of Law                                            | Result                                                       |
|-------|--------------|-----------------------------------------------------------|--------------------------------------------------------------|
| 1.    | 1433 of 1998 | U/s. 363, 342, 392, 147, 323, 324, 307 IPC                | The complainant has withdrawn the case.                      |
| 2.    | 1481 of 1998 | U/s. 147, 148, 324, 427, 307 IPC and 3 (I) (x) SC/ST Act  | Acquitted U/s. 235 (1) Cr.P.C. on 04.03.2004                 |
| 3.    | 742 of 2001  | U/s. 147, 148, 341, 323, 324 IPC                          | Treated as M.F. On 14.02.2001                                |
| 4.    | 422 of 2007  | U/s. 341, 292(b), 323, 307 IPC r/w 3 (I) (x) of SC/ST Act | Acquitted U/s. 248 (I) Cr.P.C. on 30.08.2012                 |
| 5.    | 803 of 2010  | U/s. 344, 324, 506 (ii) r/w 3(I) (x) of SC/ST Act         | Acquitted U/s. 248 (A) Cr.P.C. on 25.02.2014                 |
| 6.    | 82 of 2016   | U/s. 107 of Cr.P.C.                                       | M.C.No.68/16 One year bond executed by RDO, Namakkal.        |
| 7.    | 293 of 2017  | U/s. 147, 341, 188 IPC                                    | Case registered on 16.06.2017 and it is under investigation. |
| 8.    | 318 of 2017  | U/s.147, 148, 341, 353, 258 r/w. 511 IPC                  | Case registered on 29.06.2017 and it is under investigation. |
| 9.    | 319 of 2017  | U/s.151 Cr.P.C.                                           | Case registered on 29.06.2017 and it is under investigation. |

6. From the aforesaid cases, it is seen that six of the nine cases have already been closed. The petitioner has been acquitted in three of the cases; one complaint has been withdrawn; one complaint has been treated as 'Mistake of Fact' and one case was proceeded under Section 107 of Cr.P.C. In the cases pending investigation also, it is seen that when the petitioner had indulged himself in agitating for public cause, he has been roped in as an accused.

7. The very purpose of the opening of History Sheet against an individual is to maintain tranquility and peace among the public and the opening of a History Sheet is to monitor the persons who are really involved in nefarious criminal activities. But for the persons who have not involved themselves in nefarious criminal activities, the opening of History Sheet is not necessary. The closure of all the six cases against the petitioner does not hold the petitioner guilty of the offences and hence, I am unable to comprehend as to how these six cases can be referred to in the status report as adverse antecedents? Furthermore, the pendency of three complaints also cannot be treated as nefarious criminal activities, warranting opening of History Sheet, since the overt act against the petitioner in these complaints is that he had indulged in agitations, which according to the petitioner, was for a public cause.

8. The submission of the learned Senior Counsel of the petitioner is that all the activities in which the petitioner was involved was only to put forth his grievance against corrupt practices and various other genuine demands of the general public. In this back ground, I do not find any reason for the action of the respondent in opening of the History Sheet in the name of the petitioner was warranted and also by taking into account that six of the cases have already been closed and three of the complaints are alone pending as on date and taking into account the nature of the petitioner's involvement in these complaints, it would be appropriate that the History sheet opened in the name of the petitioner be quashed.

9. In the result, the History Sheet No. 299 of 1999 on the file of the third respondent herein, pertaining to the petitioner, namely Sella Rajamani, is quashed and the writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rts



To

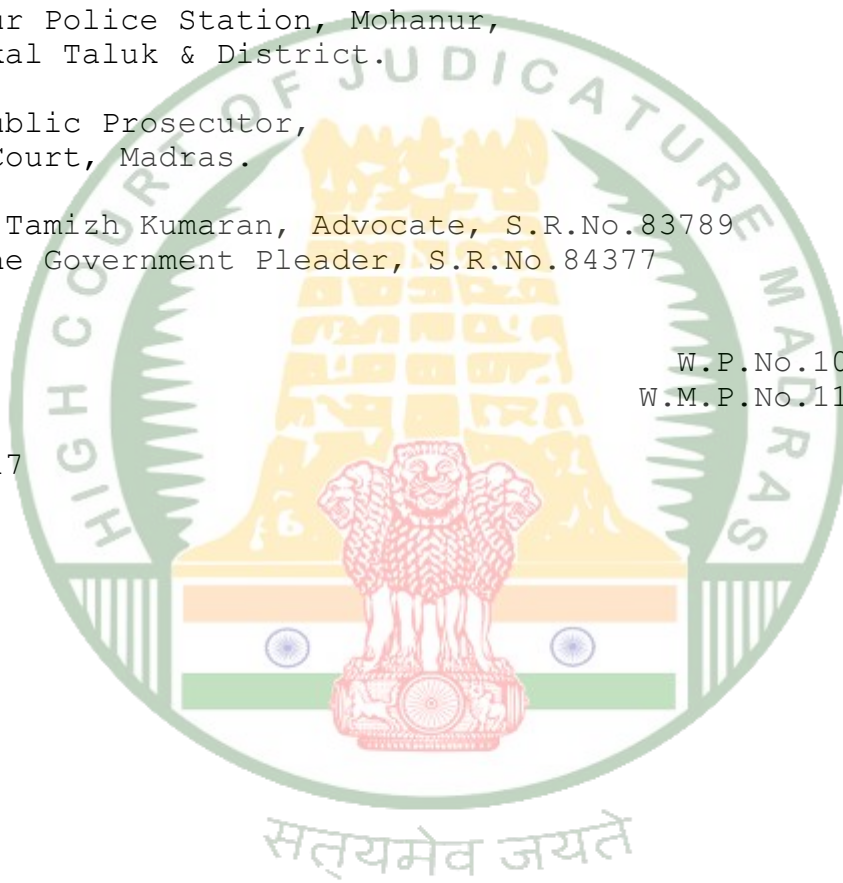
1. The Superintendent of Police,  
Namakkal District,  
Tiruchengode Road,  
Namakkal.
2. The Deputy Superintendent of Police,  
Namakkal District,  
Paramathi Road, Namakkal.
3. The Inspector of Police,  
Mohanur Police Station, Mohanur,  
Namakkal Taluk & District.
4. The Public Prosecutor,  
High Court, Madras.

+1cc to P.Tamizh Kumaran, Advocate, S.R.No.83789

+1cc to the Government Pleader, S.R.No.84377

W.P.No.10812 of 2017  
W.M.P.No.11751 of 2017

NR/22/12/17



WEB COPY