



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.20830 of 2016

Prabaharan

. . . Petitioner

Vs.

1. The Superintendent of Police,
Subramaniapuram,
Trichy - 10.

2. The Deputy Superintendent of Police,
Manaparai, Trichy District.

3. The Inspector of Police,
Valanadu Police Station,
Marungapuri Taluk,
Trichy District.

. . . Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents herein to remove the name of the petitioner from the history sheet list maintained by the third respondent police within a time stipulated by this Court.

For Petitioner : Mr.C.Deepak

For Respondents : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the respondents herein to remove the name of the petitioner from the history sheet list maintained by the third respondent police within a time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



3. The petitioner states that the third respondent had registered a false case as against the petitioner and that the case which was filed against the petitioner was ultimately closed, after finding that the petitioner is not guilty. It is further submitted that during the pendency of the above case, the third respondent opened history sheet against the petitioner by affixing photograph in H.S.No.46 of 2007. It is further stated that the petitioner himself came to know about the said opening of the false history sheet only recently and that therefore he made a representation to the respondents on 20.10.2016 requesting the respondents to remove his name from the above history sheet list. It is further submitted that the said representation was received long back and the same was not considered by the respondents.

4. Though the petitioner has filed the present petition for issuing a positive direction as against the respondents, the learned counsel for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the second respondent to consider the representation of the petitioner, dated 20.10.2016.

5. The learned counsel for the petitioner also produced a Judgment of this Court by a learned Single Judge in the case of **Manivannan V. State and others, reported in 2013-2-L.W. (Cr1.) 300**, wherein, this Court after referring to the police standing orders and circulars issued by the Director General of Police and other guidelines has held that opening either a "history sheet" or a "rowdy sheet" by branding a person either as a history sheeteer or a rowdy, attaches an indelible stigma on the person against whom such sheet is opened which in turn is likely to cause serious violation of his fundamental rights, more particularly, right to life and liberty and freedom guaranteed under Articles 21 and 19 (1) of Constitution of India. In the same Judgment, it is further held that repeated orders passed against the petitioner in that case, extending the period of the history sheet are arbitrary, unreasonable and whimsical and that the general direction was issued to pass detailed orders reflecting application of mind as required under Police Standing Orders 746 or 749. The above Judgment is also followed by this Court in other cases.

6. Having regard to the facts and circumstances of this case and limited scope of the prayer that is now sought for by the learned counsel for the petitioner before this Court, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to pass the following direction:-

"The second respondent is directed to consider the representation of the petitioner, dated 20.10.2016 and to pass appropriate orders on merits and in accordance with



law and in the light of the Judgment of this Court by a learned Single Judge in the case of **Manivannan V. State and others, reported in 2013-2-L.W.(Cr1.) 300**, within a period of four weeks from the date of receipt of a copy of this order."

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7. With the above direction, the Criminal Original petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Subramaniapuram,
Trichy - 10.
2. The Deputy Superintendent of Police,
Manaparai, Trichy District.
3. The Inspector of Police,
Valanadu Police Station,
Marungapuri Taluk,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.C.Deepak, Advocate Sr.No.91499

PMU

VB/JC/SAR2/02/01/2018/3P/6C

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