

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 09.07.2018

Pronounced on : 24.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8715 of 2011

and

M.P.Nos.1 of 2011

M.Raj,  
S/o.Mariadoss.

... Petitioner

Vs.

1.The State of Tamilnadu,  
Rep. by the Secretary to Government,  
Home Department,  
Fort St.George,  
Chennai 600 009.

2.The Director General of Police,  
Tamilnadu Police Head Quarters,  
Kamarajar Salai,  
Chennai 600 004.

3.The Commissioner of Police,  
Greater Chennai,  
Office of the Commissioner of Police,  
Sub Urban, St.Thomas Mount, Chennai.

4.The Inspector of Police (L & O),  
S.10 Pallikaranai Police Station,  
Pallikaranai,  
Chennai 600 100.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to remove the name of the petitioner from the History Sheet opened and maintained by the fourth respondent.

For Petitioners : Mr.A.K.M.Samsunihar

For Respondents : Mr.V.Saratha Devi  
Government Advocate [Crl. Side]

\* \* \* \* \*

## O R D E R

This Criminal Original Petition has been filed by the petitioner to direct the fourth respondent to remove the name of the petitioner from the History Sheet.

2.The learned counsel for the petitioner submits that the petitioner has been arrayed as an accused in Cr.No.1018 of 2007 on 12.06.2007, for the offences under Sections 147, 148, 450, 307 r/w 149 of the Indian Penal Code.

3.This case is a counter blast to the incident occurred on 11.06.2007 in his neighbour's house with regard to a theft and there was a panchayat between the persons concerned, which later ensured into a scuffle. In that the petitioner and others were severely injured and admitted in the Government Hospital, while so, the petitioner was implicated in the Crime No.1018 of 2007.

4.The learned counsel for the petitioner further submits that the petitioner is residing in the above address with his wife and two children and he is only taking care of his old parents. The petitioner had completed his graduation in the year 2001, thereafter, in the year 2005 he did Bachelor in Theology in a Bible college and on completion of the same, he has become a Pastor and he has been doing service in the churches in Uttiramerur.

5.The learned counsel for the petitioner further submitted that except being implicated in a false case in Crime No.1018 of 2007, there is no bad antecedent and the petitioner has not come under the adverse notice of the authorities prior or after to 12.06.2007 and due to the petitioner's name being entered in the History Sheet, the petitioner and his family members have been put to untold misery and sufferings and the petitioner is being called often by the Police for enquiry and to sign the register in the Police Station as the petitioner's name has entered in the History Sheet Register. The petitioner had also send a representation dated 15.02.2016 to the Commissioner of Police, Chennai - 600 003 and the Joint Commissioner of Police, St. Thomas Mount, since no action was taken, the petitioner has filed the above Criminal Original Petition before this Court.

6.The learned counsel for the petitioner submits that the entry of the petitioner's name in the History Sheet Register is uncalled for which is causing great embarrassment and hardship to him. The learned counsel for the petitioner further submits that the History Sheet being opened against the petitioner is uncalled for and it is in violation of the established Law and Principles. Normally, the History Sheet is maintained only for two years. The petitioner is not an convicted accused and no

case of any grave nature is enumerated as a pre-condition for opening the History Sheet against him. In view of the above, he prays that, petitioner name to be removed from the History Sheet, which is being maintained by the Inspector of Police, S10 Pallikaranai Police Station.

7.The learned counsel for the petitioner relied upon the Judgment of this Court in the case of S.J.Simon Vs. The Deputy Inspector General of Police reported in 2002 Writ LR 860.

8.The learned Government Advocate ascertains and confirms that the petitioner has not come into any adverse notice often 12.06.2007 and his conduct seems to be satisfactory.

9.In view of the above, this Court feels, continue of petitioner name in History Sheet register is unwarranted. The fourth respondent, the Inspector of Police (L & O), S10 Pallikaranai Police Station is directed to remove the name of the petitioner from the History Sheet opened.

10.Accordingly, this Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ah

To

- 1.The Secretary to Government,  
Home Department,  
Fort St.George,  
Chennai 600 009.
- 2.The Director General of Police,  
Tamil Nadu Police Head Quarters,  
Kamarajar Salai,  
Chennai - 600 004.
- 3.The Commissioner of Police,  
Greater Chennai,  
Office of the Commissioner of Police,  
Sub Urban,  
St.Thomas Mount,  
Chennai.

4.The Inspector of Police (L & O),  
S.10 Pallikaranai Police Station,  
Pallikaranai,  
Chennai - 600 100.

5.The Public Prosecutor,  
High Court, Madras.

Cr1.O.P.No.8715 of 2011

MP(CO)

rrs 25/10/2018



WEB COPY