

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.61 of 2018

M.Selvam @ Aatti Selvam

...Petitioner

Versus

1.The State of Tamil Nadu,
Rep. by it's Secretary,
Fort St.George,
Chennai - 600 009.

2.The State Rep. by
The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 7.

3.The State Rep. by,
The Deputy Commissioner of Police,
Avadi,
Tiruvallur District.

4.The State Rep. by,
The Assistant Commissioner of Police,
Avadi,
Tiruvallur District.

5.The State Rep. by,
The Inspector of Police,
T-7, Avadi Tank Factory Police Station,
Avadi,
Tiruvallur District.

...Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to remove petitioner's name from History Sheet NO.13 of 2007 and remove rowdy list on the file of 5th respondent herein based on the petitioner's representation dated 20.12.2017.

For Petitioner : Mr.S.Paul Gnanamuthu
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Writ Petition has been filed challenging the retention of the name of the petitioner as a history sheeter in H.S No.13 of 2007, on the file of the 5th respondent Police.

2.The learned counsel for the petitioner would submit that during the year 2000 to 2003, the petitioner was involved in commission of certain prohibition offences and a case was registered against him. Thereafter, the petitioner had also paid fine for those offences by pleading guilty. The 5th respondent registered a case in Crime No.249 of 2011 against the petitioner for the offence under Section 392 of I.P.C. After investigation, final report was filed and the same was taken on file in C.C No.671 of 2012 by the learned Judicial Magistrate, Ambattur. The said case ended up in acquittal by judgment dated 25.09.2014. In the meantime, the 5th respondent Police had opened a history sheet against the petitioner in H.S No.13 of 2007.

3.The learned counsel for the petitioner would submit that a history sheet has been kept open from the year 2007 onwards against the petitioner and there is total violation of the Police Standing Orders. The learned counsel for the petitioner also brought to the notice of this case, the judgment passed by this Court in W.P.(M.D).No.19651 of 2017, dated 18.09.2018 and submitted that retention of the name of the petitioner goes against the judgment referred supra.

4.The learned Additional Public Prosecutor would submit that the history sheet was opened in the year 2007 by the 5th respondent Police and the same is being extended once in two years, since the respondent Police wants to keep a vigil of the movements of the petitioner.

5.It is seen from the records that the petitioner has given a representation to all the respondents on 20.12.2017, seeking to remove his name from the History Sheeter list. In spite of receipt of the representation, the respondents have not taken any action till date. Admittedly, the History Sheet against the petitioner is maintained in the 5th respondent Police Station till date.

6.In the facts and circumstances of the case, this Court directs the 5th respondent to consider the representation dated

20.12.2017 made by the petitioner, in the light of the judgment of this Court in W.P.(M.D).No.19651 of 2017, dated 18.09.2018 and pass suitable orders within a period of four weeks from the date of receipt of a copy of this order. The petitioner is also given liberty to make a fresh representation to the 5th respondent along with a copy of this order to enable the 5th respondent to take appropriate action in accordance with law, within the time stipulated by this Court.

7.The Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

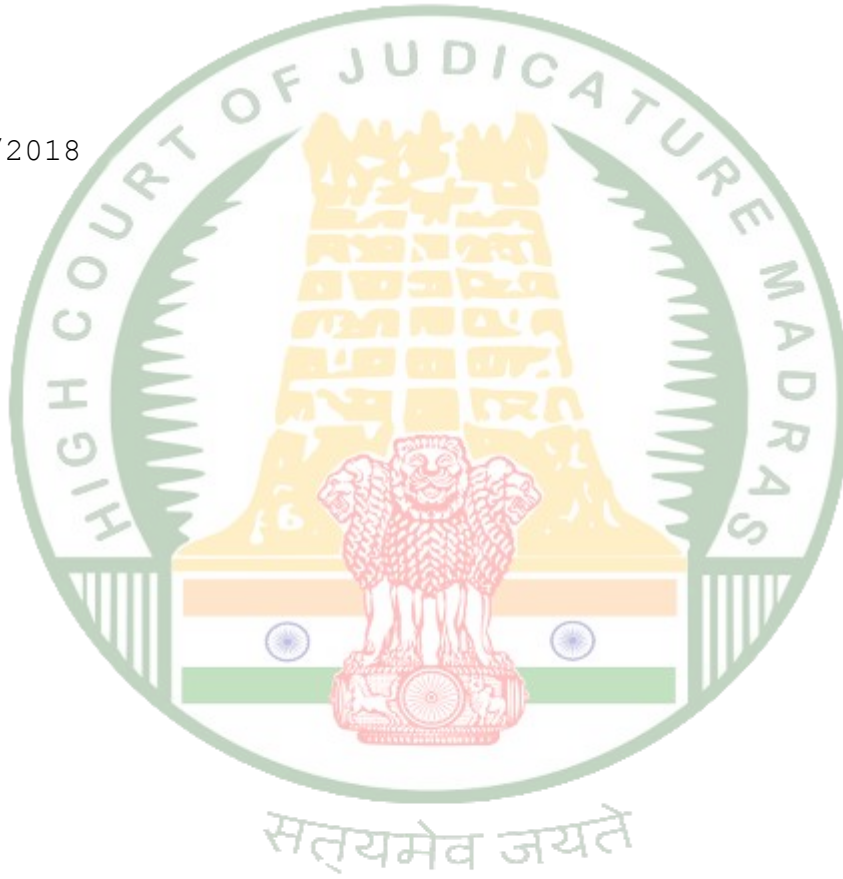
- 1.The Secretary,
The State of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 7.
- 3.The Deputy Commissioner of Police,
Avadi,
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- 4.The Assistant Commissioner of Police,
Avadi,
Tiruvallur District.
- 5.The Inspector of Police,
T-7, Avadi Tank Factory Police Station,
Avadi,
Tiruvallur District.

6.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.Paul Gnanamuthu, Advocate Sr.77333

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