

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.27500 of 2015
and WMP.No.15113 of 2017

Madankumar

... Petitioner

Vs.

1. The Secretary,
Home Department,
Fort St., George,
Chennai -9.
2. The Inspector General of Police,
Kamarajar Salai,
Mylapore, Chennai -4.
3. The Commissioner of Police,
Commissioner Office,
Vepery, Chennai.
4. The Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai -75.

...

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus to direct the respondents to consider the petitioner's representation dated 12.08.2015 consequently direct the respondents to remove the petitioner's name from the Police Rowdy list.

For Petitioner : Mr.N.Subramani

For Respondents : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the respondents to

consider the petitioner's representation dated 12.08.2015 and consequently direct the respondents to remove the petitioner's name from the Police Rowdy list.

2. The learned counsel appearing for the petitioner has submitted that the petitioner is working as driver in a school van. He further submitted that in the year 2011, the 4th respondent herein has registered a case in Crime.No.33 of 2011 against the petitioner herein under Sections 448, 427, 324 and 506(ii) IPC based on the complaint lodged by one Sankar. He further submitted that the petitioner herein also lodged a counter complaint against the said Sankar and based on the said complaint, the 4th respondent herein has registered a case in Crime No.32 of 2011 under Sections 323, 324 and 506(ii) IPC. He further submitted that in the aforesaid cases, both parties have compromised the matter and hence both the FIRs have been closed. He further submitted that subsequently another case has been registered against the petitioner herein in Crime No.367 of 2011 under Sections 294(b) and 506(ii) IPC and in that case, the 4th respondent has filed a charge sheet and based on the same, a case was taken on file in C.C.No.222 of 2011 on the file of the Judicial Magistrate, Tambaram and in that case, after trial, the petitioner was acquitted. He further submitted that as on date, no case is pending against the petitioner, however, the 4th respondent has opened a history sheet against the petitioner and in spite of the several representations submitted by the petitioner, the 4th respondent has not removed the name from the history sheet / Rowdy list and hence, he requests to direct the respondents to consider the petitioner's representation dated 12.08.2015 and consequently, direct the respondents to remove the petitioner's name from the history sheet / Rowdy list.

3.The learned Government Advocate (Crl.Side) has submitted that there are four cases pending against the petitioner and he has also furnished the list. He further submitted that since the petitioner is frequently indulging in quarrel with the neighbours and creating law and order problem, his name has been included in the Rowdy list / history sheet on 29.06.2011 and he further submitted that considering the conduct of the petitioner, the Assistant Commissioner of Police, Pallavaram Region, Chennai, has passed an order to retain the petitioner's name in the history sheet till 31.12.2018 and hence, he strongly opposed the petition.

4.A perusal of the order passed by the 4th respondent dated 29.06.2011 shows that for including the petitioner's name in the Rowdy list / history sheet, he has cited the following four cases as ground cases:

(i) Crime No.33 of 2011 under Sections 448, 427, 324 and

506(ii) of IPC.

(ii) Crime No.367 of 2011 under Sections 294(b) and 506(ii) of IPC.

(iii) Crime No.497 of 2011 under Section 75 TNCP Act.

(iv) Crime No.289 of 2015 under Section 75 TNCP Act.

5. In respect of the case in Crime No.33 of 2011 is concerned, it is seen from the typed set of papers filed by the petitioner, the 4th respondent has filed a charge sheet against the petitioner herein and three others and based on the same, the learned Judicial Magistrate, Tambaram has taken the case on file in C.C.No.776 of 2011 and after full trial, acquitted all the accused including the petitioner herein by the judgment dated 31.10.2012. But the 4th respondent has shown the aforesaid case also as one of the ground cases for opening history sheet/Rowdy list.

6. In so far as the Crime No.367 of 2011 is concerned, the said case was registered under Sections 294(b) and 506(ii) IPC and after investigation, Charge Sheet was filed. Based on the said charge sheet, the case was taken on file in C.C.No.776 of 2011 on the file of the Judicial Magistrate, Tambaram and the learned Judicial Magistrate by his judgment dated 31.10.2012 acquitted the petitioner herein and three others. The said case also shown as one of the ground cases.

7. The other two cases were registered only under Section 75 of TNCP Act. In those cases, the petitioner herein has admitted the offence and paid fine. The offence under Section 75 of TNCP Act is not a serious offence.

8. Considering the aforesaid facts, the 4th respondent is directed to consider the petitioner's representation dated 12.08.2015 and pass orders within a week from the date of receipt of a copy of this order and inform to the petitioner through a registered post.

9. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

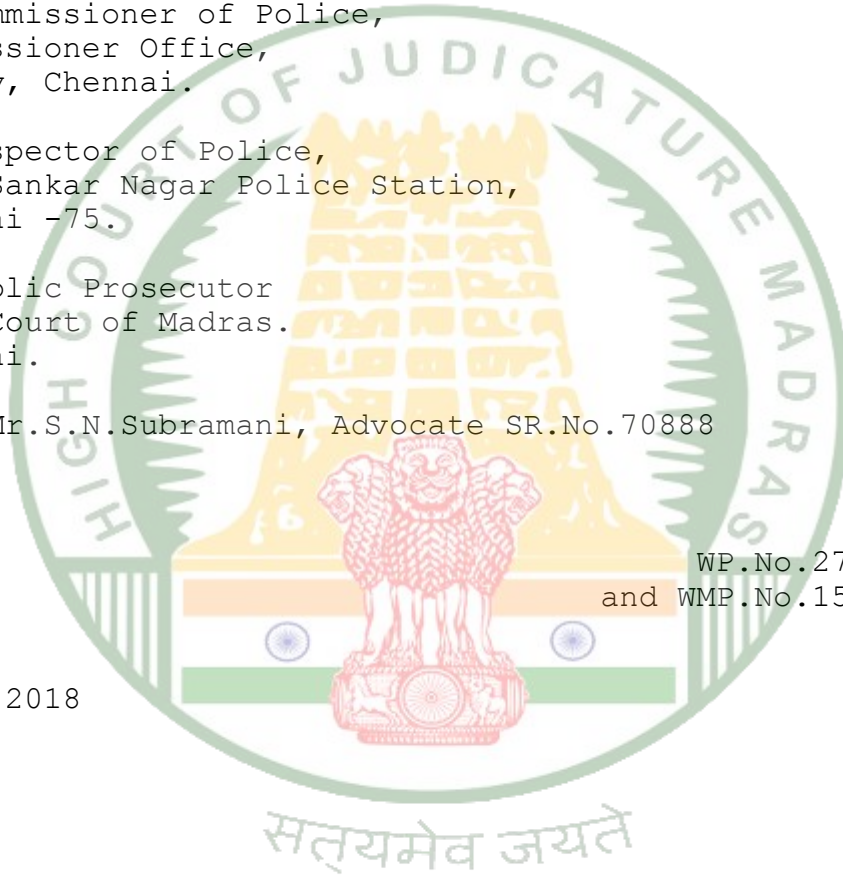
msrm/gsp

To

1. The Secretary,
Home Department,
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Chennai -9.
 2. The Inspector General of Police,
Kamarajar Salai,
Mylapore, Chennai -4.
 3. The Commissioner of Police,
Commissioner Office,
Vepery, Chennai.
 4. The Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai -75.
 5. The Public Prosecutor
High Court of Madras.
Chennai.
- +1 cc to Mr.S.N.Subramani, Advocate SR.No.70888

WP.No.27500 of 2015
and WMP.No.15113 of 2017

NMI (CO)
CSL/04.12.2018



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