

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.9773 of 2012

G. Kamaraj

..Petitioner

Versus

1. The Commissioner of Police
Commissioner Office,
Egmore,
Chennai.

2. The Inspector of Police,
Avadi Police Station,
Avadi,
Chennai.

..Respondents

PRAYER:Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to remove the name of the petitioner in the History sheet maintained by the second respondent and direct the respondents not to harass the petitioner under the guise of History sheet rowdy.

For Petitioner :: T.Sreelekha for
M/s.D.Rajagopal

For Respondents 1 & 2:: Mrs.Sri Jayanthi
(Special Government Pleader)

ORDER

The Writ Petition has been filed seeking a Mandamus directing the respondents, namely, the Commissioner of Police, Chennai and the Inspector of Police, Avadi Police Station to remove the name of the petitioner from the history sheet maintained by the second respondent and also direct the respondents not to harass the petitioner.

2. This writ petition was filed in January 2012. In the counter affidavit filed by the second respondent in May 2012, it is stated that the petitioner was at that time, working as a driver in Hyundai company. In 2006, a case was registered under Section 506(ii) IPC. In the year 2007, a case was registered

under Sections 147, 148, 341, 324 and 506(ii) IPC in crime No.225 of 2007 and also in C.C.No.144 of 2008 for offence under Sections 324, 294(b), and 506(ii) IPC. It is fairly represented in the counter that the petitioner was not convicted in the above cases. Those cases were registered in the year 2006, 2007 and 2008.

3. The counter was filed in the year 2012. Between 2008 - 2012, the respondents have not produced any record to show that the petitioner continuously indulged in activities necessitating categorising him as a rowdy. The reasons given by the second respondent that if the petitioner is removed from the history sheet, he will act freely without any fear are based on presumptions.

4. In the affidavit filed by the petitioner, it had been stated that there is no order passed by the Superintendent or by Sub-Divisional Officer for opening of a history sheet by the respondents.

5. Heard the learned counsel for the petitioner and the respondents.

6. It is seen that the petitioner has been charged with offences as stated above in the years 2006, 2007 & 2008. They are stray incident. The respondents have not produced any material to show that the petitioner had been continuously and successfully indulging himself in such a manner as to draw the attention of the respondents and to categorise him as a rowdy.

7. The second respondent in his counter had stated that the petitioner might act without any fear. This is again based only on presumption. In the absence of concrete materials necessitating the petitioner as a history sheeted from 2008-2012 and thereafter till this date, I hold that there is no credible reason to uphold the order of the second respondent.

8. Accordingly, this writ petition is allowed as prayed for. No costs.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

smv/vsg

To

1. The Commissioner of Police
Commissioner Office,
Egmore,
Chennai.

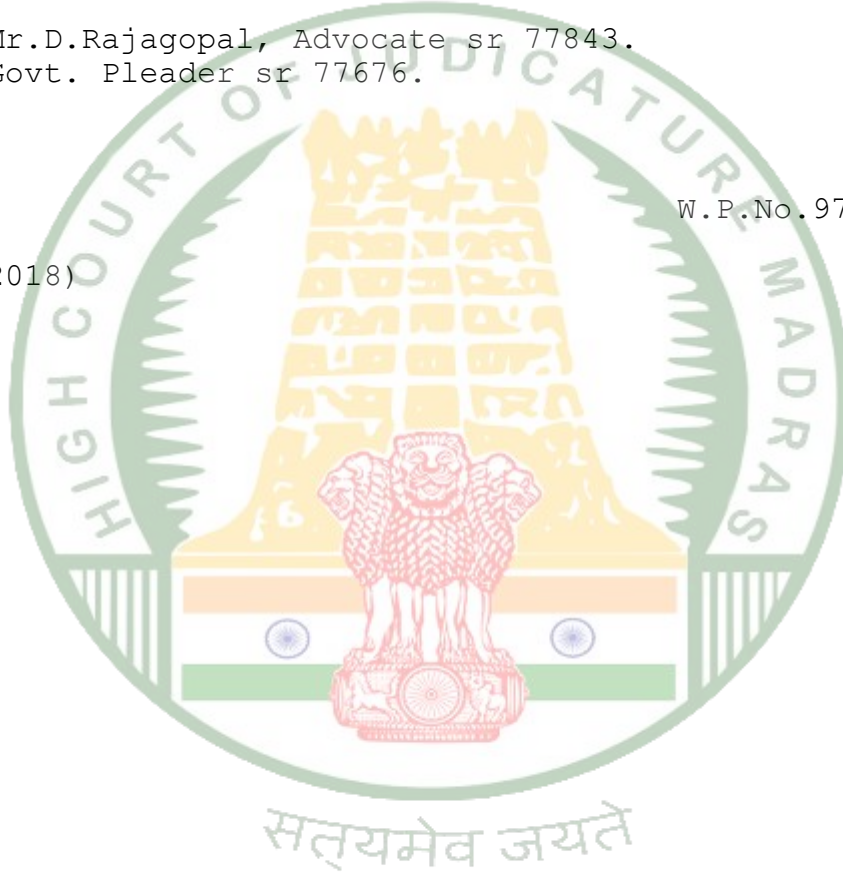
2. The Inspector of Police,
Avadi Police Station,
Avadi,
Chennai.

+1 CC to Mr.D.Rajagopal, Advocate sr 77843.

+1 CC to Govt. Pleader sr 77676.

W.P.No.9773 of 2012

SP(26/11/2018)



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