

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

CRL.O.P.No.25438 of 2014

and

M.P.No.1 of 2014

Amarnath

.. Petitioner

Vs

- 1.The Superintendent of Police,
Office of Superintendent of Police,
Nagapattinam District.
 - 2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Nagapattinam District.
 - 3.The Inspector of Police,
Myladuthurai Police Station,
Nagapattinam District.
 - 4.The Sub-Inspector of Police,
Myladuthurai Police Station,
Nagapattinam District.
- .. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in H.S.No.3 of 2014 on 08.07.2014 Passed by the 2nd respondent and quash the same.

For Petitioner : Mr.S.Senthil Murugan

For Respondents : Mr.Shunmugarajeswaran
Government Advocate

O R D E R

The petitioner has filed the present petition to call for the records in H.S.No.3 of 2014 on the file of the second respondent and quash the same.

2.The Inspector of Police, Myladuthurai Police Station, Nagapattinam District., included the petitioner's name in the History Sheet Rowdy List in H.S.No.3 of 2014 and passed orders on 08.07.2014. According to the Inspector of Police, the petitioner herein has been doing "Katta Panchayat" and Rowdyism and is creating law and order problem and that five cases were registered against the present petitioner/accused in Myladuthurai Police Station. The cases registered against the petitioner are

listed below:

S.N o	Crime No.	Section of Law
1.	455/2014	U/s.294[b],506[i] IPC
2.	539/2014	U/s.294[b], 323,506[ii]IPC
3.	540/2014	U/s.294[b], 323,506[ii]IPC
4.	387/2016	U/s.294[b], 341,323 IPC
5.	834/2014	U/s.294/353 IPC

3.The 3rd respondent/ Inspector of Police, Myladuthurai Police Station, Nagapattinam, has filed a counter affidavit stating that all mandatory provisions were followed while opening the History Sheet and that they have not violated any fundamental rights of the petitioner guaranteed under Article 21 of the constitution of India as alleged by the petitioner. It is Stated that since the petitioner has been frequently indulging in crimes and conducting "Katta Panchayat", it has become necessary to open a Rowdy History Sheet against the petitioner.

4.The learned counsel appearing for the petitioner would contend that Crime No.455 of 2014, was closed by the Inspector of Police, Myladuthurai Police Station, Nagapattinam District, and that Crime No.387/2016 ended in acquittal on 17.06.2016 and that this has not been denied by the respondent/police. However, he would contend that the respondent/police have not applied their mind before creating the Rowdy History Sheet against the petitioner in H.S.No.3 of 2014 and therefore the same is liable to be quashed.

5.A perusal of the records shows that all the offences alleged against the present petitioner are minor offences and out of five cases stated above, one case ended in acquittal and another case was closed as mistake of fact.

6. Considering the facts and circumstances of the present case, creating H.S.No.3 of 2014 by the respondent police against the petitioner cannot be sustained and therefore it is liable to be set aside.

7.In the result, the petition is allowed as prayed for. Consequently, connected miscellaneous petition is also closed.

stm

Sd/-

Assistant Registrar(Audit)

//True Copy//

To

- 1.The Superintendent of Police,
Office of Superintendent of Police,
Nagapattinam District.
- 2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Nagapattinam District.
- 3.The Inspector of Police,
Myladuthurai Police Station,
Nagapattinam District.
- 4.The Sub-Inspector of Police,
Myladuthurai Police Station,
Nagapattinam District.
- 5.The public prosecutor,
High Court,
Madras

+1 cc to Mr.S.SENTHIL MURUGAN Advocate SR.NO. 49561

Cr1.O.P.No.25438 of 2014

KJI (cO)
ASK(21/08/2018)



WEB COPY