

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.28124 of 2017

S.Nazar

.. Petitioner

Vs.

1.The Commissioner of Police,
E.V.R.Road,
Vepery,
Chennai.

2.The Deputy Commissioner of Police,
Triplicane Range,
O/o. Chintadaripet Police Station,
Chintadaripet, Chennai.

3.The Assistant Commissioner of Police,
Nungambakkam Police Station,
O/o. Nungambakkam Police Station,
Chennai - 600 034.

4.The Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu,
Chennai - 600 094.

.. 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 remove the petitioner's name from the history sheet maintained by the 4th respondent based on the petitioner's representation dated 14.10.2017 within the period stipulated by this Court.

For Petitioner : Mr.M.Raja

For Respondents : Mr.D.Raja,
Additional Government Pleader

ORDER

The prayer in the present petition is for removing the petitioner's name in the history sheet maintained by the fourth respondent.

2. Learned Additional Government Pleader through the status report of the fourth respondent, submitted that the petitioner was earlier involved in two criminal cases viz., C.C.No.3021 of 2014 and C.C.No.2466 of 2015 and in both the cases, he was acquitted by the letters dated 04.09.2015 and 16.12.2016. The case now pending against the petitioner herein is in Crime No.2241 of 2017 on the file of the Inspector of Police, Choolaimedu Police Station, Chennai for an offence under Section 110 of Cr.P.C.

3. The proceeding under Section 110 of Cr.P.C cannot be termed as an offence, since it is only for the purpose of maintaining the security for good behaviour of the habitual offenders. Even according to the fourth respondent, the petitioner's name in the history sheet was lastly extended till 03.10.2017 and as such there is no extension of his name as on date.

4. In view of the petitioner's acquittal from two cases and taking into account that the petitioner's name in the history sheet has not been extended on 03.10.2017, it would be appropriate to remove the petitioner's name from the history sheet. In this connection, the petitioner is granted liberty to approach the second respondent, seeking for exclusion of his name from the history sheet and on receipt of such representation, the second respondent shall pass appropriate orders, in the light of the observations made in this order. Such an exercise shall be completed within a period of two weeks from the date of receipt of a copy of this Order. With the above observation, the Writ Petition stands disposed of. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The Commissioner of Police,
E.V.R.Road,
Vepery,
Chennai.

2.The Deputy Commissioner of Police,
Triplicane Range,
O/o. Chintadaripet Police Station,
Chintadaripet, Chennai.

3.The Assistant Commissioner of Police,
Nungambakkam Police Station,
O/o. Nungambakkam Police Station,
Chennai - 600 034.

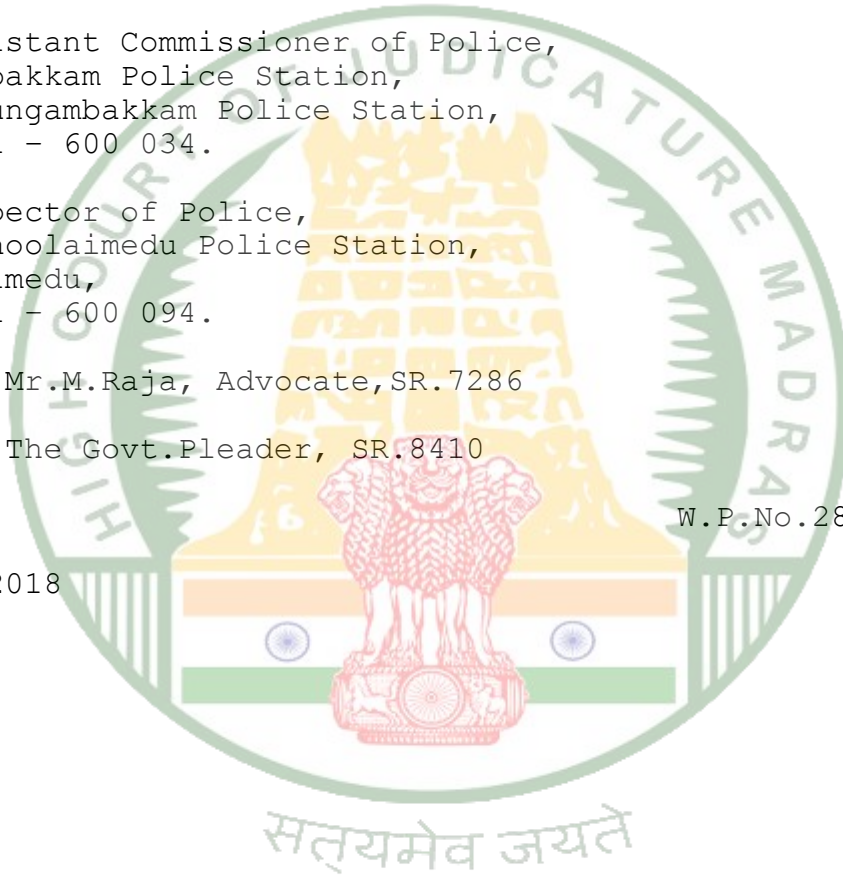
4.The Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu,
Chennai - 600 094.

+ 1 cc to Mr.M.Raja, Advocate, SR.7286

+ 1 cc to The Govt.Pleader, SR.8410

W.P.No.28124 of 2017

nr 14/02/2018



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