

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27967 of 2018

Kutty @ Sivakumar,
S/o.Janakiraman

... Petitioner

Vs

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.

2.The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai.

3.The Inspector of police,
S-11, Tambaram Police Station,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India seeking Writ of Mandamus directing the respondents police 1 and 2 to consider the representation dated 18.07.2018, wherein the petitioner sought for removal of the petitioner's name from the rowdy's list in H.S No.73 of 2004 on the file of the Inspector of police, S-11, Tambaram Police Station, Chennai/3rd respondent herein.

For Petitioner : M/s.B.Sridhar

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for a direction to the respondent Police to remove the name of the petitioner from the rowdy's list in H.S.No.73 of 2004, on the file of the 3rd respondent Police.

2.The learned counsel for the petitioner would submit that the petitioner is carrying on with the business of Fast Food. An F.I.R., came to be registered against this petitioner in Crime No.378 of 2003 for the offence under Section 302 IPC and in Crime No.608 of 2004 for the offence under Section 25 of Indian Arms Act. Both these cases were investigated and a final report has been filed and both the cases are pending trial. In the

meantime, the 3rd respondent had opened a history sheet against this petitioner in H.S.No.73 of 2004 and this history sheet is kept pending till date. The learned counsel would submit that the continuation of the name of the petitioner in the history sheet is in total violation of the Police Standing Orders and also brought to the notice of this Court, the judgment passed by this Court in W.P.(MD)No.19651 of 2017 dated 18.09.2018 and submitted that the retention of the name of the petitioner in the rowdy's list in H.S.No.73 of 2004 goes against the judgment referred supra.

3.The learned Additional Public Prosecutor would submit that the history sheet was opened in the year 2004 by the 3rd 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.

4.It is seen from the records that the petitioner has given a representation to all the respondents on 18.07.2018, 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 3rd respondent Police Station till date.

5.In the facts and circumstances of the case, this Court directs the 3rd respondent Police to consider the representation dated 18.07.2018 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 3rd respondent along with a copy of this order to enable the 3rd respondent to take appropriate action in accordance with law, within the time stipulated by this Court.

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

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.

2.The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai.

3.The Inspector of police,
S-11, Tambaram Police Station,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

+2 Ccs to M/s.B.Sridhar, Advocate sr 78155.

SP(20/11/2018)

W.P.No.27967 of 2018



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