

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No. 27139 of 2018

Hakkim @ Poonai Hakkim

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Periyayanayakanpalayam Sub Division,
Coimbatore District,
Coimbatore-641 001.

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

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to remove his name from the Rowdy list of Mettupalayam Police Station, Coimbatore.

For Petitioner : Mr.A.Nirmal Kumar

For Respondents : Mr.M.Mohamed Riyaz

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police to remove the name of the petitioner from the history sheet rowdy, maintained by the second respondent.

2.The learned counsel for the petitioner would submit that the petitioner is doing scrap business and he is residing at Mettupalayam, Coimbatore. The following cases were registered against the petitioner and after a full fledged trial, the petitioner was acquitted in all the cases and the particulars are extracted hereunder:

Year	Case No.	Under Section	Police Station	Acquitted on
2006	C.C.No.12/2007	380 I.P.C.	Sirumugai	20.02.2012

Year	Case No.	Under Section	Police Station	Acquitted on
2005	S.C.No.220/2006	302 I.P.C.	Mettupalayam	29.02.2008
2007	S.C.No.82/2008	397 I.P.C.	Mettupalayam	23.06.2008
2007	S.C.No.85/2008	307 I.P.C.	Mettupalayam	27.06.2008

3. The learned counsel for the petitioner would submit that in the mean time, the second respondent had opened a history sheet against the petitioner in H.S.No.794 of 2008 and the same is being continued till date. The learned counsel would submit that all the cases ended in acquittal in the year 2008 itself and for the last 10 years, the name of the petitioner is continued in the History Sheet maintained by the second respondent and the same is in violation of the relevant Police Standing Orders and also judgments of this Court. The learned counsel would further submit that continuation of the name of the petitioner in the History Sheet, is in violation of his fundamental rights guaranteed under Article 21 of the Constitution of India.

4.The learned Additional Public Prosecutor would submit that even though the petitioner has been acquitted from all the cases, the petitioner has to be kept in continuous surveillance in view of the nature of the cases that were registered against him. The learned counsel would further submit that the continuation of the name of the petitioner in the History Sheet, is well within the powers of the respondent Police and is in accordance with the Police Standing Orders.

5.This Court has carefully considered the submissions made on either side.

6.The facts of this Court is squarely covered by the judgment of this Court in W.P.(MD)No.19651 of 2017 batch, dated 26.09.2018.

7.The second respondent has not followed the mandatory procedure prescribed under Police Standing Orders and is mechanically continuing the name of the petitioner in the history sheet list. It is not even known whether the second respondent is getting the extension once in two years before the concerned superior officers, for the purpose of continuing the name of the petitioner in the History Sheet. This Court finds that the continuation of the name of the petitioner in the History Sheet List maintained by the second respondent Police, is in direct violation of the fundamental rights, since it is continues in violation of Police Standing Orders and the judgment of this Court referred supra.

8.In view of the above, the second respondent is directed to remove the name of the petitioner from the History Sheet List forthwith. Accordingly, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police,
Periyannayakanpalayam Sub Division,
Coimbatore District,
Coimbatore-641 001.

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

3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.A.Nirmal kumar, Advocate, S.R.No.82484

CrI.O.P.No. 27139 of 2018

GSP(14/12/2018)

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