



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Order Reserved on : 21.02.2018
Order Pronounced on: 28.04.2018

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THE HONOURABLE MR.JUSTICE P. RAJAMANICKAM

W.P(MD).No.20816 of 2017

M. Seeni Nainar Mohamed ... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police,
Vilakuthoon Range,
Madurai City.

3. The Inspector of Police,
B1, Vilakuthoon Police Station,
Madurai City.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent No.2, to remove the petitioner's name in the History Sheet in H.S.No.392/1995 maintained by the Respondent No.3, by considering the petitioner's representation dated 17.10.2017 in the light of the Section 748 of Police Standing Order in accordance with law.

For Petitioner : Mr.R. Alagumani

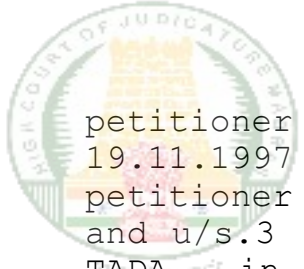
For Respondent Nos.1 to 3 : Mr. N. Shanmugaselvam
Additional Government Pleader

O R D E R

This writ petition has been filed to direct the second respondent to remove the petitioner's name in the history sheet in H.S.No.392/1995 maintained by the third respondent by considering the petitioner's representation dated 17.10.2017.

2. Heard Mr.R.Alagumani, learned counsel for the petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents 1 to 3.

3. Learned counsel for the petitioner has submitted that the petitioner is the State Deputy Secretary of Islamia Jananayaga Peravai in Viduthalai Chiruthaigal Party. He further submitted that totally nine cases have been filed against the petitioner and out of which, in four cases, the petitioner was acquitted; in one case, the



petitioner was convicted and imposed a fine of Rs.150/- on 19.11.1997 for the offence u/s.324 of IPC; in one case, the petitioner was convicted for the offence u/s.147, 148 and 302 IPC and u/s.3 (2) r/w. 3 (1) of TADA R/W.109 IPC and Section 3 (4) of TADA, in which, the petitioner was convicted by the Trial Court. On appeal, the Hon'ble Supreme Court acquitted the petitioner on 27.04.2017. He further submitted that one FIR registered in Cr.No.627 of 1998 by the third respondent has withdrawn on 17.04.1998. In one case which was registered in Cr.No.1278 of 2010 by the third respondent u/s.109 Cr.P.C., the petitioner got bail. In one case which was registered in Cr.No.1396/2010 by the third respondent u/s. 147, 148 341, 324, and 307 of IPC, charge sheet was filed and the case was taken on file in P.R.C.No.31 of 2011 on the file of Judicial Magistrate No.1, Madurai and the same was quashed by this Court on 02.07.2014 as per the order passed in Crl.O.P.No.16952 of 2012. He further submitted that in the year 1995, the third respondent has opened a history sheet in H.S.No.392/1995 against the petitioner. He further submitted that subsequently in most of the cases, the petitioner was acquitted and recently no case has been registered against the petitioner and that being so, the petitioner has submitted a representation dated 17.10.2017 before the second respondent requesting him to remove his name from the history sheet. But so far, no order has been passed. He further submitted that because of the petitioner's name has been included in the history sheet, the petitioner is not able to go abroad and hence, the learned counsel for the petitioner has requested to direct the second respondent to remove the petitioner's name from the history sheet.

4. The third respondent has filed a counter affidavit stating that since the petitioner was convicted for the offence u/s.147, 148, 302 of IPC and also under TADA Act and also taking into consideration the petitioner's involvement in several criminal cases, a history sheet was opened in the year 1995. He also stated that with a view to watch the conduct of the petitioner, the history sheet is maintained.

5. Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents 1 to 3, has in his arguments, reiterated the contentions made in the counter filed by the third respondent.

6. Though the petitioner has asked for a larger relief, without going into the merits of the case, this Court is inclined to direct the third respondent to consider the petitioner's representation and pass appropriate order.

7. In the result, the third respondent is directed to consider the petitioner's representation dated 17.10.2017 and pass appropriate order and communicate the same to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.



8. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

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/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City.

2. The Assistant Commissioner of Police,
Vilakuthoon Range,
Madurai City.

3. The Inspector of Police,
B1, Vilakuthoon Police Station,
Madurai City.

+1CC to the Special Government Pleader SR.No.64451

Order made in
W.P (MD) .No.20816 of 2017
28.04.2018

gv/vs

AM/SKN RSK/SAR 4/25.05.2018/3P/5C