

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29464 of 2014 &
M.P.No.1 of 2014

A.Sankar

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Salem District.
 2. The Deputy Superintendent of Police,
Omalur Taluk, Salem District.
 3. The Inspector of Police,
Omalur Police Station,
Omalur Taluk, Salem District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Declaration, declaring that the impugned History Sheet No.470/S on the file of the 3rd respondent as illegal, arbitrary and violation of Human Rights.

For Petitioner : Mr.P. Vijendran

For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

O R D E R

This petition has been filed challenging the History Sheet opened by the third respondent against the petitioner in H.S.No.470/S, dated 31.12.2011.

2.It is seen from the records that the respondent Police have registered four FIRs against the petitioner in the year 1999 and 2010. Out of this, the FIR that was registered in the year 1999 ended up in acquittal and the other three FIRs are pending.

3.The learned counsel for the petitioner would submit that the continuation of the History Sheet against the petitioner is

in violation of the Police Standing Orders and the judgment of this Court W.P.(MD)No.19651 of 2017, dated 26.09.2018..

4.The learned counsel would further submit that the History Sheet against the petitioner is pending for the last eight years and the same is in violation of Article 21 of the Constitution of India.

5.The learned Additional Public Prosecutor would submit that in view of the pending FIRs against the petitioner, regular surveillance is required against the petitioner and therefore, the History Sheet is kept alive by the third respondent.

6.In the facts and circumstances of the case, there shall be a direction to the third respondent to consider the representation made by the petitioner on 20.08.2014 in line with the judgement of this Court reported in the case of Sabari @ Sabarigiri vs. Assistant Commissioner of Police, Annanagar (L & O) Range, Madurai City, Madurai and others reported in 2018 (4) MLJ Criminal 585 and pass necessary orders, within a period of four weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Commissioner of Police,
Salem District.
2. The Deputy Superintendent of Police,
Omalur Taluk, Salem District.
3. The Inspector of Police,
Omalur Police Station, Omalur Taluk, Salem District.

+1 cc to M/s.P.Vijendran, Advocate SR.No.3756

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KAN(CO)
CSL/06.02.2019