

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.22266 of 2017

Babu

... Petitioner

-vs-

1.The Commissioner of Police,
Chennai City,
Vepery,
Chennai-600 007.

2.The Inspector of Police,
J5 Sastrinagar Police Station,
Adyar, Chennai - 20.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent to remove the rowdy list name of the petitioner Babu, son of Thangaraj on the file of Inspector of Police, J5, Sastri Nagar Police Station to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

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

सत्यमेव जयते
ORDER

This petition has been filed seeking for a direction to remove the name of the petitioner from the history sheet maintained by the 2nd respondent police.

2.The learned counsel for the petitioner submitted that the history sheet was opened in the year 1996 and till today it is being kept pending and the police are foisting one case after another against the petitioner. The learned counsel submitted that the history sheet maintained by the 2nd respondent is illegal and the guidelines given by this Court in the case of Sabari @ Sabarigiri vs. Assistant Commissioner of Police,

Annanagar (L and O) Range, Madurai City, Madurai and Others reported in (2018) 4 MLJ (Crl.) 585 has not been followed and therefore the respondent police must be directed to remove the name of the petitioner from the history sheet.

3.The learned Additional Public Prosecutor on instructions submitted that there are six cases registered against the petitioner from the year 1998 onwards. Since the petitioner is repeatedly involved in committing offences, the 2nd respondent continuous to retain the name of the petitioner in the rowdy list.

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

5.It is seen from the records that the petitioner has made a representation to the respondent police on 11.10.2017 to remove his name from the rowdy list. It is two years since this representation was given. The learned counsel for the petitioner submitted that the petitioner has been acquitted in most of the cases and there are only two cases pending against him and even those cases are foisted cases.

6.In the facts and circumstances of the case, this Court cannot grant the relief as claimed by the petitioner. The petitioner is directed to make a fresh representation to the 2nd respondent by giving the entire particulars and request for removing the name of the petitioner from the rowdy list. On receipt of the representation, the 2nd respondent shall strictly follow the guidelines given by this Court in Sabari @ Sabarigiri's case (referred supra) and shall pass an order within a period of four weeks from the date of receipt of the copy of the representation.

7.This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (C/L)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Commissioner of Police,
Chennai City, Vepery,
Chennai-600 007.

2.The Inspector of Police,
J5 Sastrinagar Police Station,
Adyar, Chennai - 20.

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3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Sankarasubbu, Advocate, S.R.No.50244

CRL.O.P.No.22266 of 2017

KK(CO)

RRS(16/07/2019)



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