

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.01.2019

CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
W.P.No.25098 of 2018

K.A.K.Haja Bahgrudeen

...Petitioner

Vs.

1. The Superintendent of Police,
Thiruvarur.
2. The Deputy Superintendent of Police,
Thiruvarur Sub Division,
Thiruvarur District.
3. The Inspector of Police,
Koothanallur Police Station,
Thiruvarur. ...Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution, to issue a Writ of Mandamus directing the respondent to remove the name of the petitioner from rowdy list/in History Sheet No.168 of 2011 in respect of Crime No.32 of 2011 on the file of the 3rd respondent.

For Petitioner : Mr.P.Karikalan

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

O R D E R

This Writ Petition has been filed seeking for a direction to the third respondent to remove the name of the petitioner from the history sheet maintained by the third respondent in H.S.No.168 of 2011.

2. It is seen from records that three FIRs came to be registered against the petitioner in Crime No.32 of 2010 and 239 of 2015, on the file of the third respondent and Crime No.377 of 2015 on the file of the Thiruvarur Taluk Police Station. The investigation was completed in all the cases and final reports were also filed.

3. Crime No.32 of 2010, ended in an acquittal by a judgment dated 12.11.2013 in S.C.No.84 of 2012 before the learned Principal district and Sessions Judge, Thiruvarur. Crime No.377 of 2015 ended in an acquittal by judgment dated 21.12.2017 in

C.C.No.63 of 2016, before the learned Judicial Magistrate, Thiruvavarur. Crime No.239 of 2015, ended in an acquittal by judgment dated 20.01.2017 in STC.No.15 of 2016 before the learned Judicial Magistrate-II, Mannargudi.

3. It is submitted that apart from the above three cases, there is no other case pending against the petitioner. Therefore, the learned counsel for the petitioner would submit that the continuation of the history sheet against the petitioner on the file of the third respondent is against the police standing orders and judgment of this Court reported in 2008 (4) MLJ CrI. 585 [Sabari@sabarigiri Vs.Assistant Commissioner of Police and others].

4. The learned Additional Public Prosecutor appearing on behalf of the respondent police would submit that various cases have been registered against the petitioner and therefore, a constant vigil has to be kept against the petitioner in order to ensure that the petitioner does not involve in any other criminal activities. Therefore, the learned Additional Public Prosecutor submitted that the third respondent has continued to retain the name of the petitioner in the history sheet.

5. It is an admitted case that there were three cases registered against the petitioner and all these cases ended up in acquittal. In order to retain the name of the petitioner in the history sheet, it has to satisfy the requirements of PSO 746 and 747. That apart, the guidelines given by this Court in the judgment referred supra must also be satisfied. The petitioner has made a representation to the respondent police from the year 2013 to 2018 requesting to remove the name of the petitioner from the history sheet. However, it has not evoked any response from the respondent police and therefore, the present writ petition has been filed.

6. The petitioner is directed to give a fresh representation to the third respondent along with a copy of this order and the third respondent shall pass appropriate orders in the light of the guidelines given by this Court reported in 2018 (4) MLJ CrI. 585 cited supra. This process shall be completed by the respondent police, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

rka/rli

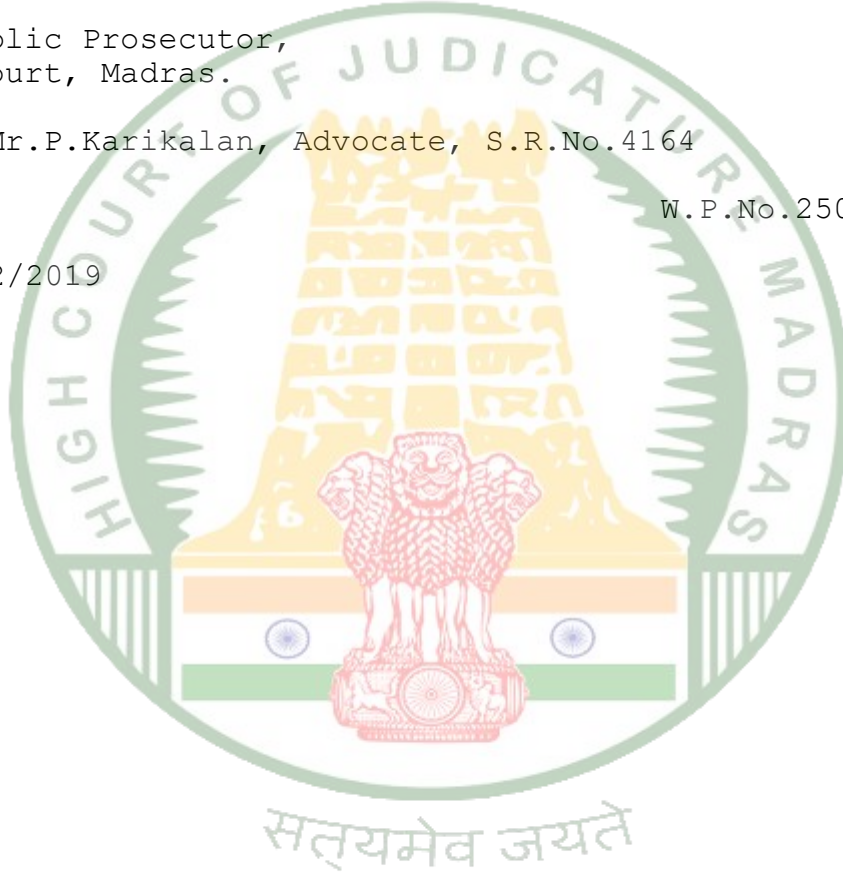
To

1. The Superintendent of Police,
Thiruvvarur.
2. The Deputy Superintendent of Police,
Thiruvvarur Sub Division,
Thiruvvarur District.
3. The Inspector of Police,
Koothanallur Police Station,
Thiruvvarur.
4. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.P.Karikalan, Advocate, S.R.No.4164

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rrs 07/02/2019



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