

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.29410 of 2018

Ramesh

... Petitioner

Vs.

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

2.Inspector of Police,
P3 Vysarpadi Police Station,
Chennai.

3.Inspector of Police,
P5 MKB Nagar Police Station,
Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to remove the petitioner name from History Sheet in P3 Vysarpadi Police Station, Chennai and P5 MKB Nagar Police Station, Chennai within time framed.

For Petitioner : Mr.M.Johnpaul

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

O R D E R

The prayer sought for in the present petition is to direct the respondents to remove the petitioner's name in the History sheet maintained in the second respondent Police Station.

2. The learned counsel appearing for the petitioner would submit that the petitioner submitted a representation dated 06.12.2018 to the first respondent to remove his name from the history sheet in HS.No.3 of 1991. After receipt of the same, the respondent has not yet considered the representation till date. Therefore, he sought for allowing the petition.

3. The learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner's name was found in the history sheet in HS No.3 of 1991 on the file of the second respondent police. After 2006, there is no case is pending as against the petitioner.

4. Heard Mr.M.Johnpaul, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents.

5. The issue involved in this writ petition has already been dealt with by the Madurai Bench of this Court and detailed order has been passed in W.P.(MD)No.19651 of 2017 on 26.09.2018. On the basis of the above said Order, the Director General Of Police, Chennai issued a circular in Rc.No. 133410/Crime 4(3)/2018 dated 05.10.2018, which reads as follows :-

The Hon'ble Madurai Bench of Madras High Court in its order dated 26.09.2018, in a batch of cases, in the reference second cited, while quashing the History Sheet maintained in certain Police Stations and which are challenged before the Hon'ble Court, has observed and directed as follows :-

"28..... there is a general pattern adopted trend by the Police to continue to retain the names of the persons in the history sheet showing them as rowdies without any justifiable reasons. The Police did not realise that the purpose of opening a history sheet is to keep surveillance and check on hardened and habitual criminals in order to maintain peace and tranquility in the society.

29.As mentioned above, it also becomes the duty of the Police to keep reviewing the history sheet regularly to ensure that the persons, who are no longer required to be retained in the list are removed from the list, since it involves the dignity and public image of a person

30.Whenever representations are made by the persons whose names are found in the history sheet, it is the duty of the respondent Police to consider the same It will be of no use for the respondent Police to keep the representation pending even without considering them and driving the concerned persons to file appropriate petition before this Court. This Court only hopes that the Police learns a lesson at least after the passing of this order, to be more sensitive and serious in maintaining history sheet.

31..... The Police seems to be adopting the practice of registering FIRs against the persons under Sections 109 and 110 of CrPC, just to open the history

sheet and to justify the continuance of the name of the persons in the history sheet. automatic opening of history sheet can be done only if the person has been convicted more than twice under Section 109 of CrPC and more than once under Section 110 of CrPC. Therefore, mere registration of an FIR under Sections 109 and 110 of CrPC can never justify the action of the Police in continuing to retain the name of the person in the history sheet.

32.....

33. This Court wants to make it clear that in all future cases, where the retention of the name of a person in history sheet becomes a subject matter of challenge before this Court, if this Court finds that the name of the person has been retained without any justification and is in contravention with PSO Nos. 746 to 748 and the guidelines given by this Court, compensation will be granted to the victims and the same will be directed to be recovered from the monthly salary of the Inspector of Police in whose station the history sheet is being maintained....."

2. Provisions contained in PSO 746 to 748 and the above orders of the Hon'ble High Court shall be followed scrupulously while maintaining the history sheets by the SHOs.

3. All Sub-Divisional Officers shall periodically review all History sheet files and Rowdy sheet files maintained in the Police Station under their jurisdiction.

4. IGPs in Zones, COPS in cities and the SPs in District shall sensitize all the Police personnel working under their jurisdiction in this regard and also review the cases periodically."

6. In view of the above circular passed by the Director General of Police, Chennai, this Court is inclined to pass the following orders :-

(i) The petitioner is directed to submit a fresh representation before the second respondent within a period of four weeks from the date of receipt of a copy of this Order.

(ii) On receipt of such representation, the second respondent is directed to remove the name of the petitioner from the history sheet maintained by the second respondent Police Station.

7. With the above directions, the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lpp

To

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

2.The Inspector of Police,
P3 Vysarpadi Police Station,
Chennai.

3.The Inspector of Police,
P5 MKB Nagar Police Station,
Chennai.

4. The Public Prosecutor,
High Court of Madras,
Madras.

+2 cc's to Mr.M.Johnpaul, Advocate Sr.No.10348 & 10654

PPA(CO)
CSL/29.03.2019

Crl.O.P.No.29410 of 2018

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