



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.11.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P. (MD)No.7241 of 2012
and
M.P. (MD)No.2 of 2012

P.S.Abdul Khader

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
B-1, Vilakkuthoon Police Station,
Madurai City,
Madurai.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to remove the name of the petitioner from the History Sheet No.585 of 2011 on the file of the second respondent.

For Petitioner : Mr.S.Ramsundar Vijayraj
for M/s.C.Jeganathan

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

First named Counsel on record for the writ petitioner has since been designated as 'Senior Advocate' by this Court. Mr.S.Ramsundar Vijayraj representing Mr.C.Jeganathan, learned Counsel on record for writ petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader on behalf of both respondents are before this Court.

2. This writ petition has been filed with a prayer to remove the name of the writ petitioner from History Sheet No.585 of 2011, on the file of the second respondent, viz., Inspector of Police, Vilakkuthoon Police Station, Madurai City.



3. Mr.C.Manabalan, Sub-Inspector of Police from the second respondent police station is present in Court, instructing learned Additional Government Pleader.

4. On instructions, learned Additional Government Pleader, has placed before this Court a closure order which is as follows:

C.No. 16/AC/Town/L&O/MC/2016
dated: 20.07.2016

O/o the Asst. Commr. of Police,
Town (L&O) Range,
Madurai City.

CLOSURE ORDER

Ref: Report of Insp. B1 Vilakuthoon L&O PS, Madurai city. Dated.13.07.2016.

Perused the report of Inspector B1 Vilakuthoon (L&O) PS, Madurai city and he stated in his report that the activities of the H/S rowdy (H/S No. 585/2011) P.S.Abdul Kadhar 60/16, s/o K.P.Sulthan Kani, Quite-e-Millath nagar 6th street, Madurai is now satisfactorily and not against any public peace, law and order. Hence he recommended for closing the History sheet maintained against the said P.S.Abdul Kadhar (H/S No. 585/2011). The Deputy Commissioner of Police, Law and Order, Madurai city also recommended for closing the H/S against the above said History sheet in the history sheet maintained against him for the following reasons.

1. All the cases registered against him are either quashed or acquitted by the honourable courts..
2. The History sheet is now holding a good reputation in the locality and among Muslim community without any allegations or misbehavior or misconduct.
3. There was a strong representation from various Muslim organizations and they were reasonable and genuine.
4. "Personally, I feel that in order to maintain good support with communally prominent personalities as per the Govt. of India guidelines on communal harmony. I feel the HS can be closed on merits."

From the above reasons and the recommendation of Inspector of B1 Vilakuthoon (L&O) PS, Madurai city, the History Sheet maintained against P.S.Abdul Kadhar 60/16, (H/S No. 585/2011) s/o K.P.Sulthan Kani, Quite-e-Millath nagar 6th street, Madurai is closed by me on 20.07.2016.


Asst. Commr. of Police,
Town L&O Range,
Madurai City.



5. Writ Petitioner's Counsel has been favoured with the copy of aforementioned closure order.

6. As the closure order has the effect of the prayer in instant writ petition being acceded to, the same is recorded and the Writ Petition is closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

SSL

Encl:

Xerox copy of the scanned Image

To

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
B-1, Vilakkuthoon Police Station,
Madurai City, Madurai.

+1cc to Mr.C.Jeganathan,Advocate, SR.No.101738

+1cc to Spl.Govt. Pleader, SR.No.101986

W.P. (MD) No.7241 of 2012

26.11.2019

JMN(13.12.2019) 3P : 5C