



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED **17.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **G.K. ILANTHIRAIYAN**

W.P(MD)No.268 of 2019

A.D.Prabakaran

..Petitioner

Vs.

1.The Superintendent of Police,
Tuticorin District,
Tuticorin.

2.The Deputy Superintendent of Police,
Tuticorin,
Tuticorin District,

3.The Inspector of Police
Thalaimuthunagar Police Station,
Tuticorin District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court, to issue a Writ of Mandamus, directing the respondents to remove the petitioner's name from the history sheet on the file of the 3rd respondent herein vide representation dated 18.12.2018.

For Petitioner : Mr.C.Mayilahanarajendran

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor

O R D E R

The prayer sought for in the present writ petition is to direct the respondents to delete the petitioner's name from the history sheet.

2. The case of the petitioner is that he was working as a driver in the Tamil Nadu State Transport Corporation. He is hailing from very decent family. He is leading very decent life out of the income from his profession. In these circumstances, in the year 2012, he was called by the 3rd respondent for enquiry. Accordingly, he appeared before the 3rd respondent and the 3rd respondent informed him that a history sheet was opened in the year 1993 as against him. The petitioner appeared before the 1st respondent along with above said police officials and explained. He made a specific request to the first respondent to remove his name from the history sheet. The first respondent directed the 3rd respondent to remove his name from the history sheet on the file of the 3rd respondent police. Accordingly, his name was removed from the history sheet. To his



shock and surprise, the 3rd respondent informed him that again a history sheet was opened against him in the year 2013. Hence, the petitioner sent a representation to the 1st respondent on 18.12.2018. So far no action has been taken, hence the petitioner before this Court.

3.The learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner is an habitual offender indulging in rowdy activities, extortion, katta panchayats, etc. Hence, History Sheeted Rowdy Book was opened at the third respondent police station as against the petitioner and it is being exanded regularly as per the Police Standing Order. Therefore, he prays to dismiss the writ petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on records.

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 Histroy 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



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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 citites 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 second respondent is directed to consider the petitioner's representation, dated 18.12.2018 and pass orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this Order.

7. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

1.The Superintendent of Police,
Tuticorin District,
Tuticorin.

2.The Deputy Superintendent of Police,
Tuticorin,
Tuticorin District,

3.The Inspector of Police
Thalaimuthunagar Police Station,
Tuticorin District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

+1 CC to M/s.C. MAYIL VAHANA RAJENDRAN, Advocate (SR-87294[F] dated 18/09/2019)

W.P(MD)No.268 of 2019

17.09.2019

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