

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.3168 of 2020

L.Kathiravan

...Petitioner

-Vs-

1. The State Rep by
The Commissioner of Police,
O/o of the Commissioner of Police,
Vepery, Chennai -7.
2. The Deputy Commissioner of Police,
O/o Deputy Commissioner of Police,
L.B.Road, Adyar, Chennai - 20.
3. The Assistant Commissioner of Police,
O/o Assistant Commissioner of Police,
L.B.Road, Adyar, Chennai - 20.
4. The Inspector of Police,
J-5, Shasthri Nagar Police Station,
Besant Nagar Police station,
Chennai. ... Respondents

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 4th respondent to delete the petitioner's name from the history sheet rowdy list on the basis of the petitioner's representation dated 25.01.2020.

For Petitioner : Mr.T.Arockia Dass
for M/s.Dass and Viswa Associates

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

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ORDER

This Criminal Original Petition has been filed to direct the fourth respondent to delete the petitioner's name from the history sheet rowdy list on the basis of the petitioner's representation dated 25.01.2020.

2. The learned counsel for the petitioner has submitted that the petitioner has completed B.A degree recently and he got married and now having 13 years old daughter. He further submitted that after the death of the petitioner's father, petitioner is the only person eking out for the livelihood of the family. He further submitted that the fourth respondent has registered a false case against the petitioner in Crime No.1536 of 2018 under sections 341, 294(b), 323 and 506(ii) of IPC. He further submitted that in this case, the petitioner has got anticipatory bail and the same is pending for the investigation. He further submitted that apart from the aforesaid case, no other case is pending against the petitioner. But the fourth respondent has purposely included the petitioner's name in the list of history sheet rowdies only with a view to spoil the future of the petitioner and hence the petitioner has sent a representation to the fourth respondent on 25.01.2020 to delete his name from the list of history sheet rowdies. But, so far, no action has been taken on the said representation. Therefore, he prayed to direct the fourth respondent to consider the petitioner's representation and delete his name from the list of history sheet rowdies.

3. In support of the aforesaid contentions, the learned counsel for the petitioner has relied upon the decision of this Court in P.Magesh Vs. State represented by the Commissioner of Police, Chennai and others in W.P.No.17588 of 2017 dated 15.03.2019.

4. The learned Additional Public Prosecutor has submitted that the third respondent is the competent authority to consider the petitioner's representation and therefore he requests to direct the third respondent to consider the petitioner's representation and pass order in accordance with law.

5. In P.Magesh Vs. State represented by the Commissioner of Police, Chennai and others (cited supra) relying upon the decision of this Court in W.P.(MD) No.19651 of 2017, has directed the petitioner therein to submit a fresh representation before the Assistant Commissioner of Police, Chennai and on such representation, the Assistant Commissioner of Police, Chennai has to pass an order in accordance with law.

6. Admittedly, in this case, the petitioner's representation is pending before the third respondent herein and hence the third respondent is directed to consider the petitioner's representation dated 25.01.2020 and dispose of the same within two weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mfa
To

1. The State Rep by
The Commissioner of Police,
O/o of the Commissioner of Police,
Vepery, Chennai -7.
2. The Deputy Commissioner of Police,
O/o Deputy Commissioner of Police,
L.B.Road, Adyar, Chennai - 20.
3. The Assistant Commissioner of Police,
O/o Assistant Commissioner of Police,
L.B.Road, Adyar, Chennai - 20.
4. The Inspector of Police,
J-5, Shasthri Nagar Police Station,
Besant Nagar Police station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Dass and Viswa associates , Advocate SR.No. 15875
Cr1.O.P.No.3168 of 2020

A.SK(10/03/2020)