

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 4426 of 2020
and W.M.P.Nos.5238 & 5240 of 2020

Thiruna @ Thirunavukarasu,
S/o. Krishnan,
No.36-37, Solaiamman Koil Street,
Ayanavarm, Chennai-23

... Petitioner

Vs.

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

2.The Assistant Commissioner of Police,
Ayanavaram,
Chennai-600 010.

3.The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai-23.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of constitution of India, Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second respondent in Ref.No.NIL dated 10.01.2020 and quash the same and consequently direct the respondents to delist and remove the name of the petitioner, K.Thirunavukarasu @ Thiruna son of Krishnan aged 50 years, residing at No.36-37, Solaiamman Kovil Street, Ayanavaram, Chennai-600 023, from the station Crime history sheet maintained under chapter XLII- PSO 742 to 763 if police Standing Orders, from the station house records of the third respondent by observing due procedure and to complete within a time frame limit.

For Petitioner : Mr.P.G.Thiyagu

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the order passed by the Second respondent herein thereby rejecting the petitioner's representation dated 10.01.2020 sought for removal of his name from the History sheet maintained under chapter XLII- PSO 742 to 763 if police Standing Orders from the file of third respondent records.

2.The learned counsel appearing for the petitioner would submit that the second respondent rejected the representation of the petitioner only on the ground that the address mentioned in the representation, one Pradheepmall, from Orissa and he is residing along with his family members. Further, he submitted that the petitioner already approached this Court and this Court directed the second respondent to follow the guidelines issued by this Court in W.P.No.23799 of 2019 dated 20.09.2019 by considering the representation of the petitioner, seeking removal of his name from the History sheet maintained by the third respondent. The second respondent did not follow the direction issued by this Court and rejected the representation only on the ground that the petitioner is not residing in the said address. He further submitted that the said house owned by his wife and it was rented out to the said person as mentioned in the impugned order. He is also having his own house and he is residing at No.36-37, Solaiamman koil street, Ayanavaram, Chennai-600023, permanently. It is his own house and is also ready to produce all the records to show that the petitioner is residing there.

3.Per contra, The Learned Additional Public Prosecutor appearing for the respondent filed counter and submitted that the petitioner is a habitual offender and involved several cases similar in nature. He committed nearly more than 35 cases in the year 1990 to 2016. Though the petitioner was acquitted in all cases, these three cases were pending for investigation on the file of the D3, Ice House police station, in Crime No.1457 of 1988 registered for the offence under Section 75 City Police Act, in Crime No.806 of 2016 registered for the offence under Section 341, 506(ii) IPC on the file of the Inspector of police, D3, Ice House police station and in Crime No.820 of 2016 registered for the offence under Section 75 of City Police Act r/w 7(1)(a) Central Law Amendment Act on the file of the Inspector of Police, Ayanavaram Police Station. Further, he submitted that the petitioner is being the History sheetee, he furnished wrong address and he never resided in the said address mentioned by the petitioner in his representation. The second respondent conducted detailed enquiry about the residence of the petitioner herein and found that one Pradeepmall is residing in the said

address given by the petitioner along with his family members. The second respondent rightly rejected the representation of the petitioner for seeking removal of his name from the history sheet.

4. Heard learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. The present Writ Petition has been filed challenging the order passed by the second respondent thereby rejecting the petitioner's representation for seeking removal of his name from the history sheet maintained by the third respondent herein. The only point raised by the petitioner herein, when the petitioner has owned two houses one is at Ayanavaram, and another one is at 166/113, Venkatarangam pillai street, Triplicane, Chennai and admittedly, the petitioner rented out the house in No.36/37, Solaiamman koil street, Ayanavaram, Chennai-23, to one Pradeepmall and he is residing there with his family members. However, the learned counsel for the petitioner would submit that the tenant is about to vacate the premises and the petitioner is going to reside there. But, he is not able to provide the current address. He further submit that the petitioner is now residing at 166/113, Venkatarangam pillai street, Triplicane, Chennai.. It is also seen from the impugned order that the second respondent rejected his representation only on the ground that the petitioner is not residing in the address mentioned in his representation.

6. Considering the facts and circumstances the order impugned in this Writ Petition is set aside. The petitioner is directed to submit a fresh representation to the second respondent seeking for removal of his name from the history sheet with correct permanent address where he is residing. On receipt of the same, the second respondent is directed to conduct enquiry and pass orders on merits and in accordance with law.

7. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn

To

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

2.The Assistant Commissioner of Police,
Ayanavaram,
Chennai-600 010.

3.The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai-23.

4. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s. P.G.Thiyagu, Advocate Sr.No. 29579

W.P.No.4426 of 2020
and W.M.P.Nos.5238 & 5240 of 2020

SSD(CO)
RMP(28/09/2020)



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