

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

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THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.9685 of 2020

G.E.Chakkarai @ Chakkaravarthy

.. Petitioner

Vs.

1. The Director General of Police,
Office of the Director General of Police,
Dr.Radha Krishnan Road,
Mylapore, Chennai - 600 004.
2. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Annathanapatty, Salem City.
3. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Sooramangalam, Salem City.
4. The Inspector of Police,
B-9, Farelands Police Station,
Azhagapuram, Salem - 636 004. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to the respondents to remove the petitioner's name G.E.Chakkarai @ Chakkaravarthy from the history sheet in 123/2007 maintained by the Inspector of Police, Azhagapuram Police Station.

For Petitioner : M/s.M.Mohamed Saifulla

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

O R D E R

The present Criminal Original petition has been filed to issue a direction to the respondents to remove the petitioner's name G.E.Chakkarai @ Chakkaravarthy from the history sheet in 123/2007 maintained by the Inspector of Police, Azhagapuram Police Station.

2. The learned counsel for the petitioner would submit that two cases were registered against the petitioner and the same were ended in acquitted. After the said conviction on 07.02.2007, he was duly surrendered. He was in Central Prison at Salem more than nine years without any bad antecedents. Subsequently, he was acquitted and released on 24.01.2019 by the Hon'ble Apex Court. After the said release, he managed his life peacefully with his family and society. But, the respective police officials concerned directed the petitioner to appear frequently before the Police Station under the pretext of enquiry and surveillance which is against the Constitution. There is no incrimination materials against him and the action of the statutory authority in continuing history sheet is illegal and arbitrary. The petitioner made a representation dated 02.06.2020 to the competent authorities to remove his name from the history sheet in 123/2007. But, the respondents have not yet considered till date. Therefore, he sought for allowing this petition.

3. Heard Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents.

4. The issue involved in this 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 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."

5. 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 4th respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such representation, the 4th respondent is directed to consider the representation, in view of the direction issued by this Court and pass orders on merits within the period of four weeks from the date of receipt of the representation.

With the above directions, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

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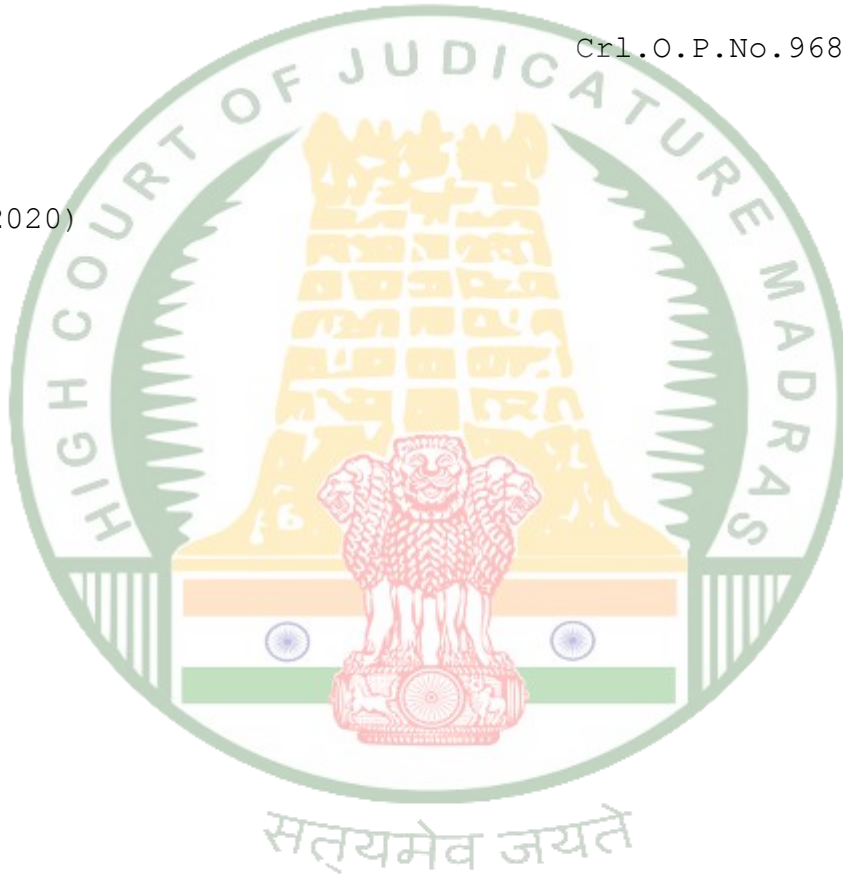
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High Court, Madras.

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