



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

W.P (MD)No.12212 of 2020

WEB COPY

K.Kannankumar

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent Police,
Srivilliputhur,
Virudhunagar Distrit.

3.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation given by the petitioner, dated 08.09.2020, seeking the respondents to remove the petitioner's name from the History Sheet, on the file of the 3rd respondent herein.

For Petitioner : Mr.M.Ganeshkamu

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Govt.Advocate (crl.side)

O R D E R

This Writ Petition has been filed seeking a direction, directing the respondents to consider the representation given by the petitioner, dated 08.09.2020, seeking the respondents to remove the petitioner's name from the History Sheet, on the file of the 3rd respondent herein.

2.The learned counsel appearing for the petitioner would submit that the petitioner worked as a Police Constable in Ennore Police Station. Now, he was removed from service on 25.11.2019, by the Deputy Commissioner of Police, Mathavaram District, for availing leave without permission. Thereafter, the respondent Police foisted some false cases, as against the petitioner and subsequently, the name of the petitioner has been included in the



History Sheet list, on the file of the 3rd respondent.

3. The learned counsel appearing for the petitioner would further submit that the 3rd respondent police falsely registered the 1st case against the petitioner in Crime No.37 of 2019, under Sections 302 and 120(b) of IPC., on 23.01.2018 and the case is still pending trial.

4. Further, the 2nd respondent Police registered a case against the petitioner in Crime No.262 of 2018, under Sections 454 and 380 of IPC. In this case, all the witnesses turned hostile. Thereafter, the Krishnankovil Police Station, registered a case against the petitioner in Crime No.125 of 2018, under Sections 454 and 380 of IPC and filed the final report before the learned Judicial Magistrate No.II, Srivilliputhur, which was taken on file in C.C.No.183 of 2019 and after full-fledged trial, the petitioner was acquitted from the charges. Thereafter, the Thiruthangal Police registered a case against the petitioner in Crime No.565 of 2018 and after completing the investigation, the final report has been filed, which was taken on file in C.C.No.210 of 2018, by the learned Judicial Magistrate No.II, Sivagasi, which ended in acquittal on 30.07.2019.

5. It is his further submission that the Inspector of Police, Krishnankovil Police registered an yet another case as against the petitioner in Crime No.139 of 2018, under Section 454 and 380 of IPC., which was taken on file in C.C.No.181 of 2019 by the learned Judicial Magistrate No.II, Srivilliputhur and after trial, the petitioner was acquitted from the charges. Further, the Inspector of Police, Srivilliputhur Town Police Station registered a case against the petitioner in Crime No.351 of 2018, under Section 454 and 380 of IPC., and after completion of investigation, final report was filed, which was taken on file in C.C.No.129 of 2019 and the petitioner was acquitted from the charges.

6. Further, the learned counsel for the petitioner submitted that out of six false cases registered against the petitioner, the petitioner was acquitted from 4 cases and two cases are still pending trial. In this regard, the petitioner had already made a representation to the respondents, on 08.09.2020, to delete his name in the History Sheet, but. the respondents have not considered the same till date. Therefore, the petitioner has filed this writ petition with the aforesaid relief.

7. The learned Government Advocate (crl.side) appearing for the respondents, on instructions, would submit that the petitioner is a habitual offender and is indulging in rowdy activities, extortion and Katta Panchayats, etc. Therefore, History Sheeted Rowdy Book was opened at the third respondent Police Station as against the petitioner and it is extended regularly as per the Police Standing



8. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondents.

9. The issue involved in this Writ Petition has already been dealt with by this Court and a 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. 66569/Crime 3(2)/2019, dated 24.04.2019, which reads as follows :-

''7. From the above judgments the following principles emerge insofar as history sheeters are concerned:

a. In order to facilitate the study of crime and criminals, the Police Standing Orders provides a mechanism, whereby every Police Station shall maintain a crime history, which shall be a confidential record. In this record all cases of crime that are mentioned in PSO No.742, which provides various classes of crime, shall be entered and even an attempt to commit those offences, are entered in the records maintained in the Police Station.

b. These crime records maintained by the Various Police Stations shall be reviewed every year by the Inspector of Police of the concerned Police Station. On such review, the Inspector of Police has to furnish a concise appreciation of the year's crime for the benefit of the Superior Officers and also to make suggestions in order to improve the quality of crime control. The review undertaken by the Inspector of Police is not merely a catalogue of the crime in the year. It should reflect the valuable suggestions in order to prevent such crimes in future and to provide ways and means of handling serious offences in an effective manner.

c. History Sheet can be opened by the concerned Police Station under two circumstances. The first circumstance is provided under PSO No. 746, which states that the history sheet can be opened against a person who is a resident (permanently or temporarily) within the station limit, who is known or believed to be addicted to commission of crime, whether convicted or not. Here the thrust is on the habituality or the propensity to commit a crime by a person, which is sought to be monitored by opening a history sheet.



d. The second category of persons against whom history sheet can be opened are the persons, who are convicted for various offences that has been listed in PSO No.747, wherein opening of the history sheet is automatic.

WEB COPY

e. In the first category of opening history sheet, month wise scrutiny or a close watch on the person concerned is contemplated. Here also there is sub-categorization as, close watch bad characters and non-close watch bad characters. In the former, the entry shall be made month wise and in the later, the entry shall be made once in a quarter. What is entered is normally anything of interest in respect of the bad character, which goes to the notice of the Police. These records must be checked and brought upto date once in a year. Here the main thrust is on "Current Doings".

f. In the second category of opening history sheet, a mere act of conviction under the offences listed in PSO No.747 is enough. The name of the persons, who have been convicted for those offences can be retained for a period of two years after their release from jail.

g. PSO No.748, is the most important provision, which deals with discontinuance of history sheet. This provision is common to both the categories falling under PSO Nos.746 and 747. As per PSO No.748, the Superintendent of Police may order a closure of a history sheet at any time. But, the Divisional Officer can order closure of history sheet only after the expiry of the period stipulated in PSO No.747.

h. As per PSO 748, where retention of the history sheet is considered to be necessary, even after two years of registration, orders of an Officer of and above the rank of Assistant Superintendent of Police/Deputy Superintendent of Police must be taken for extension for the first instance upto the end of next December. For further annual extension from January to December, separate orders must be passed every time by an Officer of and above the rank of Assistant Superintendent of Police / Deputy Superintendent of Police. This provision is made applicable even for rowdy sheeters.



accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

11. This Writ Petition stands disposed of with the above direction. No costs.

WEB COPY

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent Police,
Srivilliputhur,
Virudhunagar Distrit.
- 3.The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M. GANESHKAMU, Advocate (SR-17770[F] dated 23/09/2020)

W.P (MD) No.12212 of 2020
21.09.2020

KM(CO)
KB(28.09.2020) 6P 6C