



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P. (MD)No.12327 of 2020

WEB COPY

Mariappan

... Petitioner

Vs.

1.The Commissioner of Police
Tirunelveli City,
Tirunelveli.

2.The Deputy Commissioner of Police (L & O)
Tirunelveli City,
Tirunelveli.

3.The Assistant Commissioner of Police,
Tirunelveli Town,
Tirunelveli.

4.The Inspector of Police
Tirunelveli Town Police Station,
Tirunelveli District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the respondents 2 and 3 to remove the petitioner's name from the rowdy list which is being maintained by the fourth respondent.

For Petitioner : Mr.T.Lenin Kumar

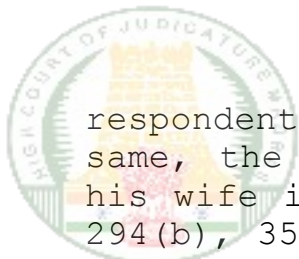
For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents 2 and 3 to remove the petitioner's name from the rowdy list which is being maintained by the fourth respondent.

2.The petitioner would state that originally one criminal case has registered by the fourth respondent against him in Crime No.492 of 2014 for the offence under Sections 147, 294 (b), 323, 506(ii) of IPC @ Sections 147, 148, 294(b), 307 and 506 (ii) of IPC and Section 3(1)(x) @ 3(2)(v) of SC/ST Act and the same is pending. In the mean time, during the month of February 2018, the respondents 3 and 4 disturbed his street vending business and hence, he filed a petition in WP(MD) No.325 of 2019 before this Court. On 05.03.2018, this Court directed the



respondents 3 and 4 not to disturb the petitioner. In view of the same, the fourth respondent registered two cases against him and his wife in Crime No.425 for the offence under Sections 147, 148, 294(b), 353, 307 & 506(ii) of IPC and another Crime No.426 of 2018 for the offence under Sections 448, 294(b), 353, 506(i) of IPC and Section 4 of TNPHW Act. Aggrieved over the illegal act of the fourth respondent, the petitioner has preferred a private complaint before the Judicial Magistrate, Tirunelveli and the same is pending. He would further state that on 13.05.2020, when he was walking on the road, the fourth respondent prevented him and questioned as to why he was not wearing face mask and registered a case in Crime No.381 of 2020 for the offence under Section 188 and 269 of IPC, even though the petitioner tendered his apology. Since the fourth respondent is maintaining a history sheet against the petitioner, they foisted the above said case. According to the petitioner, history sheet has to be reviewed once in a year, but though his name was included in the history sheet in 2018, even after three years, still his name is continuing therein without any review. Therefore, the petitioner sent a representation, dated 15.10.2020 to the respondents 2 and to remove his name from the history sheet. Since there was no response, he has filed this petition.

3.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

4.Considering the facts and circumstances of the case, the respondents are directed to consider the representation of the petitioner dated 15.10.2020 and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

5.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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 Commissioner of Police
Tirunelveli City,
Tirunelveli.
- 2.The Deputy Commissioner of Police (L & O)
Tirunelveli City,
Tirunelveli.
- 3.The Assistant Commissioner of Police,
Tirunelveli Town,
Tirunelveli.
- 4.The Inspector of Police
Tirunelveli Town Police Station,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.[MD]No.12327 of 2020
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