



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P (MD) No.14266 of 2020

Mathivanan

..Petitioner

Vs

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

2.The Inspector of Police,
Siruganur Police Station,
Tiruchirappalli District.

..Respondents

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, directing the 1st respondent to remove the petitioner's name from the rowdy list which is being maintained by the 2nd respondent by considering the petitioner's representation dated 12.10.2020.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the 1st respondent to remove the petitioner's name from the rowdy list which is being maintained by the 2nd respondent by considering the petitioner's representation dated 12.10.2020.

2.According to the petitioner, he was wrongly implicated in S.C.No.25 of 2017, on the file of the Principal Sessions Court, Trichy and after full-fledged trial, he was acquitted by the trial Court. The learned counsel for the petitioner would submit that the petitioner's name was incorporated in the rowdy list by the respondent police. Thereafter, the 2nd respondent police foisted a false case against the petitioner in Crime No.131 of 2020 under Sections 387 and 506(ii) IPC, with an intention to continue the History Sheet. He would further submit that the 2nd respondent created rowdy list including the name of the petitioner as early as in the year 2016 itself and the same was extended till date and on the strength of the above said rowdy list only, the 2nd respondent police foisting false cases against the petitioner. According to the police standing orders, the History sheet may be maintained for a period of two years and it can be extended periodically based on the materials. Here, in the present case, even without any substantial materials, the history sheet pertaining to the petitioner is extended till date. Hence, the petitioner has sent a representation to the 1st respondent to remove his name from the History sheet.



Since, no action has been taken, the petitioner is before this Court with the present Criminal Original Petition.

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

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4. The issue involved in this Writ Petition has already been dealt with by 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 Cr.P.C

and more than once under Section 110 of Cr.P.C.



Therefore, mere registration of an FIR under Sections 109 and 110 of Cr.P.C 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 cities 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.Considering the facts and circumstances of the case and without advertting into the merits of the case and also taking into consideration the above circular passed by the Director General of Police, Chennai, the respondents are directed to consider the representation of the petitioner dated 12.10.2020 made through post and pass appropriate orders, in the light of the order passed in W.P (MD) No.19651 of 2017 dated 26.09.2018, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Inspector of Police,
Siruganur Police Station,
Tiruchirappalli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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