



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2020

CORAM:

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

W.P. (MD) No.7154 of 2016

and

WMP (MD) No.6055 of 2016

S.Mohamed Sirajudeen

... Petitioner

vs.

1.The Superintendent of Police
O/o. Superintendent of Police
Ramanathapuram

2. The Deputy Superintendent of Police
O/o. Deputy Superintendent of Police
Keelakarai, Ramanathapuram

3. The Inspector of Police
Keelakarai Police Station
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents to remove the petitioner's name in the History Sheet in H.S.No.42 of 2008 open by the third respondent.

For Petitioner	:	Mr.R.M.Arun Swaminathan
For Respondents	:	Mr.S.Chandrasekar Additional Public Prosecutor

O R D E R

Heard the learned counsel for the writ petitioner.

2. The petitioner who has come to the adverse notice of the respondent police was included in the History Sheet invoking PSO 749. H.S.No.42 of 2008 and it is still alive.

3. When the petitioner was summoned to execute a bond under Section 110 of Cr.P.C, he has not complied the direction. However he has approached this Court for issuance of passport without giving information about the pendency of the case against him. This Court has also considered the request positively. In this present writ petition, the petitioner seeks for a direction to delete his name from the history sheet records on the ground that he is innocent and that he has not come to the adverse notice of the police, since 2014. In the counter filed by the third respondent, it is stated that taking into consideration the behaviour of the petitioner herein in order to maintain public peace and tranquility, Section 110 of Cr.P.C proceedings was initiated against the petitioner on



26.03.2016 registering First Information Report in Crime No. 68 of 2016.

4. The petitioner did not appear in response to the summons, but filed Crl.O.P(MD) No.6354 of 2016 to quash the proceedings. This Court while considering the said quash petition passed the following order:

" Since this is only a show cause notice, this Court is not inclined to quash the entire proceedings of the first respondent. However, liberty is granted to the petitioner to appear before the Revenue Authorities with an Advocate of his choice. If he is aggrieved by the orders passed thereafter, it is open to the petitioner to work out his remedy in the manner known to law.

With the above observation, this Criminal Original Petition is closed. Consequently connected miscellaneous petitions is closed".

5. Therefore, investigation in Crime No. 55 of 2008 for offences under Sections 147,148,323,354 and 506(ii) of IPC and Section 4 of TNPHW Act was completed and final report was filed before the learned Judicial Magistrate No.I, Ramanathapuram and the same was taken on file in STC No.299 of 2009 and the case was closed on the ground of limitation.

6. So, from the materials placed before this Court, this Court finds that there are no serious adverse remarks against the petitioner herein to keep him in the History Sheeter list.

7. Hence, the petitioner is hereby directed to give a fresh representation for removal of his name from the History Sheet Register. On receipt of such representation the first respondent shall consider the same and pass order on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this Order.

8. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Superintendent of Police
O/o. Superintendent of Police
Ramanathapuram
2. The Deputy Superintendent of Police
O/o. Deputy Superintendent of Police
Keelakarai, Ramanathapuram
3. The Inspector of Police
Keelakarai Police Station
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.RM.ARUN SWAMINATHAN, Advocate (SR-11131[F] dated
11/03/2020)

W.P. (MD) No.7154 of 2016

11.03.2020

VB(20.03.2020) 3P 6C