

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.941 of 2021

Vinayagam @ Vinayaga Moorthy

...Petitioner

Vs.

1. The Commissioner of Police,
Vepery, Chennai - 7.
2. The Assistant Superintendent of Police,
Office of Assistant Superintendent of Police,
Ambattur, Chennai - 600 053.
3. The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Ambattur, Chennai - 600 053.
4. The Inspector of Police,
D-3, Korattur Police Station,
Korattur, Chennai - 600 076.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the Respondents 2 to 4 to consider the representation made by the petitioner vide the letter dated 07.01.2021 delivered on 08.01.2021 to the 2nd and 3rd respondent and on 09.01.2021 to the 4th Respondent, to remove the petitioner's name from the history sheet 2/2006 of Korattur Police Station, which has been mechanically maintained.

For Petitioner : Mr. G.Mohana Krishnan

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

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ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 07.01.2021 wherein the petitioner has sought for the removal of his name from the History Sheet maintained by the fourth respondent police.

2. Mr.Mohanakrishnan, learned counsel appearing on behalf of the petitioner submitted that the cases were registered against the petitioner during the years 2007, 2014 and 2017 and these cases are still pending. The learned counsel further submitted that the fourth respondent has opened a History Sheet against the petitioner in HS No.2/2006. The petitioner made a representation to the respondents to remove his name from the History Sheet and since the same was not considered, the present Writ Petition has been filed seeking for appropriate directions. The learned counsel specifically relied upon the judgment of this Court in Sabari alias Sabarigiri .vs. Assistant Commissioner of Police (L & O), Madurai City reported in 2018 (4) MLJ CrL. 585 and Thirumagan and another ..vs.. The Superintendent of Police, Madurai District reported in 2020 (2) LW (CrL.) 266.

3. Per contra, learned Additional Public Prosecutor appearing on behalf of the respondents submitted that the representation made by the petitioner will be considered in line with the guidelines given by this Court in the judgments cited by the learned counsel for the petitioner. The learned counsel further submitted that some time limit can be fixed by this Court to enable the respondent police to take a decision on the representation made by the petitioner.

4. Taking into consideration the facts and circumstances of the case, there shall be a direction to the fourth respondent to consider the representation made by the petitioner on 07.01.2021 and deal with the same in accordance with the guidelines issued by this Court in the judgments referred supra and take a decision strictly in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The petitioner shall make a fresh representation to the fourth respondent along with a copy of this order. A copy of the representation shall also be marked to the second respondent.

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5. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra

To

- 1.The Commissioner of Police,
Vepery, Chennai - 7.
- 2.The Assistant Superintendent of Police,
Office of Assistant Superintendent of Police,
Ambattur, Chennai - 600 053.
- 3.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Ambattur, Chennai - 600 053.
- 4.The Inspector of Police,
D-3, Korattur Police Station,
Korattur, Chennai - 600 076.
- 5.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.G.Mohana Krishnan, Advocate SR.2089

W.P.No.941 of 2021

PVS (CO)
CB(04/02/2021)

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