

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2376 of 2021

C.Thambiappan

... Petitioner

Vs.

1. The District Collector,
Collector Office,
Nagapattinam District.
 2. The Revenue Divisional Officer,
Nagapattinam
 3. The Superintendent of Police,
Nagapattinam District.
 4. The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
- ... Respondents.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of certiorarified Mandamus to call for the records relating to history sheet opened against the petitioner in H.S.361 of 2011 dt 20/12/2011 on the file of the 4th respondent and to quash the same and further direct the respondents to pay a compensation of Rs.25,00,000/- (Rupees Twenty five lakhs) to the petitioner.

For Petitioner : Mr.V.Karthikeyan

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

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O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondent police to consider the representation made by the petitioner and to remove the name of the petitioner from the history sheet.

2. The case of the petitioner is that four F.I.Rs came to be registered against the petitioner in the year 2011. Out of the same, two F.I.Rs came to be closed and the balance two F.I.Rs ended in a single case in SC No.69 of 2012 and the same is pending on the file of the Principal Sessions Court,

Nagapattinam.

3. The further case of the petitioner is that he had approached this Court on an earlier occasion by filing WP No.25079 of 2019, to remove the name of the petitioner from the history sheet Register maintained by the respondent police and this Court passed an order on 26.09.2019, directing the respondent to consider the representation and to pass orders, within a period of four weeks. According to the petitioner, immediately after the copy of the order was served on the respondent police, proceedings were initiated under Section 110 of Cr. PC before the Revenue Divisional Officer. Thereafter, one more proceeding was initiated under Section 109 of Cr.PC before the same Revenue Divisional Officer. By virtue of these proceedings, the respondent police did not take any decision on the directions issued by this Court. According to the petitioner, the subsequent proceedings initiated under Section 109 and 110 of Cr.PC was intentionally done to continue the name of the petitioner in the history sheet maintained by the 4th respondent.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that the 4th respondent is maintaining a history sheet showing the name of the petitioner in H.S.No.361 of 2011. The learned counsel further submitted that the representation made by the petitioner will be considered in accordance with the guidelines issued by this Court in [Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Anna Nagar, (L&O) Range, Maurai city, Madurai and others] in 2018 4 MLJ Crl. 585.

5. The petitioner has sought for quashing of the history sheet maintained against him in H.S.No.361 of 2011. This Court has already given detailed guidelines on two occasions to the police and specific directions have been given to the police to follow these guidelines, whenever any representation is made for removing the name of a person from the history sheet. The guidelines were issued by this Court in [Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Anna Nagar, (L&O) Range, Maurai city, Madurai and others] in 2018 4 MLJ Crl 585. Subsequently, it was again reiterated in the judgement in [Thirumurugan and another Vs. The Superintendent of Police, Madurai] reported in 2020 2 LW crl 266.

6. This Court had already directed the respondent police to consider the representation made by the petitioner. The respondent police instead of considering the representation seems to have initiated proceedings under Section 109 and 110 of Cr.PC. The mere initiation of such proceedings is not a ground for the respondent not to consider the representation made by the petitioner. The guidelines given by this Court also covers the scenario where such proceedings are initiated and how it should be considered by

the police.

7. In view of the above, there shall be a direction to the 4th respondent to immediately comply with the earlier orders passed by this Court in WP No.25079 of 2019 dated 26.09.2019 and pass orders in accordance with the guidelines issued by this Court in the judgements referred supra, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 4th respondent along with a copy of this order.

8.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

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To

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
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- 3.The Superintendent of Police,
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- 4.The Inspector of Police,
Velankanni Police Station,
Nagapattinam District.
- 5.The Additional Public Prosecutor,
High Court, Madras.

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GMI (CO)
CB(02/03/2021)