

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3492 of 2021

G.Ravishankar,
S/o.Govindaraj

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Cuddalore,
Cuddalore District.
2. The Superintendent of Police,
Cuddalore District,
Cuddalore.
3. The Deputy Superintendent of Police,
Cuddalore,
Cuddalore District.
4. The Inspector of Police,
Cuddalore Old Town Police Station,
Cuddalore,
Cuddalore District.
5. The Sub-Inspector of Police,
Cuddalore Old Town Police Station,
Cuddalore, Cuddalore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 28.12.2020 and pass orders for requesting to remove his name from the History Sheet maintained by the 4th and 5th respondent police.

For Petitioner : Mr.S.Doraisamy
For Respondents :Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

On consent given by either parties, the main writ petition is taken up for final hearing.

2. This writ petition has been filed for an issuance of Writ of Mandamus directing the Respondents to consider the representation made by the petitioner on 28.12.2020 wherein the petitioner has requested for removing his name from the History Sheet maintained by respondents 4 and 5 in H.S.No.504 of 2014.

3. The case of the petitioner is that the fourth respondent registered an FIR in Crime No.266 of 2013 against the petitioner and the same ended in acquittal before the Assistant Sessions Judge and Chief Judicial Magistrate, Cuddalore District, Cuddalore in S.C.No.175 of 2013. The petitioner was acquitted from all charges by judgment dated 21.02.2014. The further case of the petitioner is that the fourth respondent registered another complaint in Crime No.684 of 2013 and the said FIR, after investigation, was closed as mistake of fact. This happened on 30.11.2013.

4. It is stated that apart from these two cases, there was no other FIR registered against the petitioner. However, the name of the petitioner continued in the History Sheet maintained by the fourth respondent. According to the petitioner, in order to justify the continuation of the name in the History Sheet, the first respondent has initiated proceedings on 16.09.2020 under Section 110 of Cr.P.C. The petitioner therefore made a representation to the Respondents on 28.12.2020 requesting for removal of the name of the petitioner from the History Sheet. Since the same was not considered, the present writ petition has been filed before this Court.

5. I heard Mr.S.Doraisamy, the learned counsel for the petitioner and Mr.M.Mohamed Riyaz, the learned Additional Public Prosecutor for the Respondents.

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the fourth respondent to consider the representation made by the petitioner on 28.12.2020 and deal with the same strictly in accordance with the guidelines issued by this Court in [Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Anna Nagar, (L&O) Range, Madurai city, Madurai and others] in 2018 4 MLJ CrI. 585 and in [Thirumurugan and another Vs. The Superintendent of Police, Madurai] reported in 2020 2 LW crI 266 and take a decision, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the fourth respondent along with a copy of this order.

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

Sd/-
Asst.Registrar (CS VII)

/true copy/
Sub Asst. Registrar

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To

1. The Revenue Divisional Officer,
Cuddalore,
Cuddalore District.
2. The Superintendent of Police,
Cuddalore District,
Cuddalore.
3. The Deputy Superintendent of Police,
Cuddalore,
Cuddalore District.
4. The Inspector of Police,
Cuddalore Old Town Police Station,
Cuddalore,
Cuddalore District.
5. The Sub-Inspector of Police,
Cuddalore Old Town Police Station,
Cuddalore, Cuddalore District.
6. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.S.Doraisamy Advocate sr9366

W.P.No.3492 of 2021

gpl(co)
aa17/03/2021