

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3134 of 2021

Karthikeyan @ Karthik

... Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of Police,
Neyveli Sub-Division,
Cuddalore.
3. The Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the first and second respondent to delete the petitioner's name from the history sheet rowdy list in H.S.No.466 of 2006 pending on the file of the 3rd respondent, based on the petitioner's representation dated 12.12.2020 within the time frame fixed by this Court.

For Petitioner : Mr.K.Gandhi Kumar

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

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents police to delete the name of the petitioner from the history sheet maintained by the 3rd respondent in H.S.No.466 of 2006.

2. The case of the petitioner is that the 3rd respondent registered Crime No.5 of 2004 and Cr.No.6 of 2004 and in both the cases, the petitioner was arrayed as one of the accused.

Thereafter, the 3rd respondent opened a history sheet against the petitioner in the year 2006 in H.S.No.466 of 2006.

3. The further case of the petitioner is that the investigation was completed in both the F.I.R's and it ended in trial in S.C.No.429 and 430 of 2005 before the Additional District and Sessions Court (Fast Track Court - II), Cuddalore. In both these cases, the petitioner was acquitted by judgements passed in the year 2008.

4. The grievance of the petitioner is that the 3rd respondent continues to retain the name of the petitioner in the history sheet and in order to justify the same, attempts are being made to initiate proceedings under section 110 of Cr.Pc. The petitioner made a representation on 12.02.2020 to remove his name from the history sheet. Since the same was not considered, the present writ petition has been filed before this Court.

5. Heard the learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of respondents.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has already been acquitted from the two cases as early as in the year 2008, there shall be a direction to the 3rd respondent to immediately act on the representation made by the petitioner on 12.12.2020 and deal with the same 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 and in [Thirumurugan and another Vs. The Superintendent of Police, Madurai] reported in 2020 2 LW crl 266 and pass appropriate orders, 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 3rd respondent along with a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of Police,
Neyveli Sub-Division,
Cuddalore.
3. The Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District
4. The Public Prosecutor
High Court, Madras.

+1 cc to M/s.K.Gandhikumar, Advocate Sr.No. 8359

W.P.No.3134 of 2021

SSI (CO)
RMP (09/03/2021)