

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.4282 of 2021

P.Thirumoorthy

... Petitioner

Vs.

1. The Commissioner of Police,
Salem City,
Salem District.

2. The Inspector of Police,
Sooramangalam Police Station
Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents to remove the petitioner name from the list of History Sheet in H.S.No.6 of 2009 maintained on the file of the 2nd respondent by considering the petitioner's representation dated 23.01.2021.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.C.Ragavan
Government Advocate

O R D E R

सत्यमेव जयते

This writ petition has been filed for the issue of writ of Mandamus directing the respondent police to remove the name of the petitioner from the history sheet in H.S.No.6 of 2009 maintained by the 2nd respondent by considering the representation made by the petitioner on 23.01.2021.

2. It is seen from records that the 2nd respondent had registered an F.I.R in Crime No.1018 of 2008 and the petitioner was arrayed as the 3rd accused (A3) in this case. This Case ultimately ended in trial in S.C.No.320 of 2009 and by judgment dated 01.10.2010, the petitioner was acquitted from all charges. The further case of the petitioner is that the petitioner has

not been involved in any other case till date. The petitioner made a representation to remove his name from the history sheet. The same was not considered by the respondents and the petitioner has been called for an enquiry initiated under section 110 of Cr.Pc. Aggrieved by the same, the present writ petition has been filed before this Court.

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

5. 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 2nd respondent to consider the representation made by the petitioner on 23.01.2021 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 final orders shall be passed, 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 2nd respondent along with a copy of this order.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Salem City, Salem District.
2. The Inspector of Police,
Sooramangalam Police Station
Salem District.

+1cc to Mr.R.Jayaprakash, Advocate Sr.11249

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srg 19/04/2021