

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.03.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P. No.6161 of 2021

K.Arunprasath

.. Petitioner

.vs.

1. The Superintendent of Police,
Erode District,
District Superintendent of Police Office,
Erode District.
2. The Inspector of Police,
Erode North Police Station,
Erode District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to remove the petitioner's name from the History Sheet Book of the 2nd respondent Police Station based on Petitioner's representation dt.27.01.2021.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondent police to remove the name of the petitioner from the History Sheet maintained against the petitioner by the 2nd respondent in H.S.No.204 of 2013.

2.The case of the petitioner is that an FIR came to be registered in Crime No.173 of 2013, against the petitioner and others and the petitioner faced trial before the Additional Sessions Judge, Erode in SC.No.30 of 2018, for an offence under Section 120B, 324, 307, 302, 506(ii) r/w Section 34 of IPC. The further case of the petitioner is that he was acquitted from all charges by a judgment dated 19.04.2018. According to the petitioner, there is no other case pending against him and inspite of the same, the 2nd respondent continues to maintain a history sheet against the petitioner in H.S.No.204 of 2013.

3.The petitioner made a representation to the 1st respondent on 27.01.2021 in this regard and requested the respondents to remove the name from the history sheet. Since

the same was not considered, the present writ petition has been filed before this court seeking for appropriate directions.

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

5. Taking into consideration the facts and circumstances of the case and also 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 27.01.2021 and deal with the same strictly in accordance with the guidelines of this Court in Sabari @ Sabarigiri v. Assistant Commissioner of Police, Annanagar(L & O) Ranger, Madurai and Others reported in (2018) 4 MLJ Cr1 585 and also the judgment of this Court in Thirumagan v. Superintendent of Police, Madurai and Others reported in (2020) 2 LW Cr1 266. The 2nd respondent shall take a decision within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation along with a copy of this order to the 2nd respondent. A copy of the representation shall also be marked to the 1st respondent.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Superintendent of Police,
Erode District,
District Superintendent of Police Office,
Erode District.
2. The Inspector of Police,
Erode North Police Station,
Erode District.
3. The Public Prosecutor,
High Court of Madras,
Madras.

W.P. No.6161 of 2021

PCH(CO)
CSR 31.03.2021