

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7031 of 2021

K.Karthikeyan

... Petitioner

Vs.

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

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondents to forthwith remove the name of the petitioner from the History sheet maintained in the office of the 2nd respondent.

For Petitioner : Mr.K.Selvaraj

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

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents police to remove the name of

the petitioner from the history sheet maintained by the 2nd respondent in H.S.No.490/S of 2007.

2. The case of the petitioner is that the 2nd respondent police registered an FIR in Crime No.59 of 2005 and this case ultimately was taken up for trial in S.C.No.188 of 2006 and the petitioner was acquitted from all the charges by judgement dated 16.11.2020. The further case of the petitioner is that based on this FIR, history sheet was opened by the 2nd respondent in H.S.No.490/S of 2007 against the petitioner. According to the petitioner, no other case was registered against the petitioner and inspite of the same, the 2nd respondent continued to maintain the history sheet against the petitioner.

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3. The grievance of the petitioner is that the 2nd 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 25.01.2021 to remove his name from the history sheet. Since the same was not considered, 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 also of the fact that the petitioner has already been acquitted from all charges, there shall be a direction to the 2nd respondent to immediately act on the representation made by the petitioner on 25.01.2021 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 pass appropriate orders, 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 to the 2nd respondent along with a copy of this order.

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

18.03.2021

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Index:Yes/No

Internet:Yes/No

To

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

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

3. The Public Prosecutor
High Court, Madras.

N.ANAND VENKATESH, J.,

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