

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P. No.6210 of 2021

M.Eswaran

.. Petitioner

vs.

1. Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai 600 118.

2. Deputy Commissioner of Police,
Pulianthope,
Chennai 600 012.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 1st and 2nd respondents to remove the petitioner name in the history sheet on the file of the P-6, Kodungaiyur Police Station.

For Petitioner : Mr.K.Saran Raj

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 1st and 2nd respondents to remove the name of the petitioner from the History Sheet maintained against the petitioner by the 1st respondent in H.S.No.13/2010.

2.The case of the petitioner is that an FIR came to be registered in Crime No.93 of 2019 against the petitioner and others and the petitioner faced trial before the Additional District and Sessions Judge (Fast Track Court IV) in SC.No.374

of 2009, for an offence under Section 341 r/w 34 IPC, 302 r/w 34 IPC and 506(ii) r/w 34 IPC. The further case of the petitioner is that he was acquitted from all charges by a judgment dated 30.08.2010. According to the petitioner, there is no other case pending against him and inspite of the same, the 1st respondent continues to maintain a history sheet against the petitioner in H.S.No.13 of 2010.

3.The petitioner made a representation to the 2nd respondent on 04.03.2021 in this regard and requested the 2nd respondent 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.K.Saran Raj, 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 1st respondent to consider the representation made by the petitioner on 04.03.2021 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 1st 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 1st respondent. A copy of the representation shall also be marked to the 2nd respondent.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KP

To

1. Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai 600 118.

2. Deputy Commissioner of Police,
Pulianthope,
Chennai 600 012.

3. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.Mr.K.Saranraj, Advocate, S.R.No.15394.

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SMI (CO)
CSR 16/04/2021