

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6774 of 2021

P.Saravanan,
S/o.Pongiannan

... Petitioner

Vs.

1. The Superintendent of Police,
Erode District,
District Superintendent of Police Office,
Erode District.

2. The Inspector of Police,
Arachalur Police Station,
Erode District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the Respondents to remove the Petitioner's name from the History Sheet Book of the 2nd Respondent Police Station based on Petitioner's representation dated 05.03.2021.

For Petitioner : Mr.C.S.Saravanan

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

सत्यमेव जयते
O R D E R

This writ petition has been filed for issuance of Writ of Mandamus directing the Respondents to consider the representation made by the petitioner on 05.03.2021 wherein the petitioner has requested for removing his name from the History Sheet maintained by the second respondent in H.S.No.233 1998.

2. The case of the petitioner is that the second respondent police registered an FIR in Crime No.132 of 1998 and the petitioner was arrayed as A3. This case ultimately ended in trial in S.C.No.8 of 1999 . The petitioner along with A1 and A2 were convicted for an offence under Section 325 of IPC and sentenced to undergo 4 years Rigorous Imprisonment with fine.

Aggrieved by the same, the petitioner filed an appeal before the II Additional Sessions Judge, Erode in CrI.A.No.12 of 2000 and the conviction and sentence was modified by judgment and decree dated 17.02.2003. The further case of the petitioner is that the second respondent had registered four more FIRs against the petitioner from the year 2014 to 2017 and all these FIRs are civil in nature.

3.The grievance of the petitioner is that based on the FIRs registered by the second respondent, the history sheet was opened against the petitioner in H.S.No.233 of 1998. The petitioner made a representation on 05.03.2021 requesting for removal of his name from the History Sheet. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

4. I heard Mr.C.S.Saravanan, the learned counsel for the petitioner and Mr.M.Mohamed Riyaz, the learned Additional Public Prosecutor for the 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 second respondent to consider the representation made by the petitioner on 05.03.2021 and deal with the same strictly in accordance with the guidelines issued by this Court in [Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Anna Nagar, (L&O) Range, Madurai city, Madurai and others] in 2018 4 MLJ CrI. 585 and in [Thirumurugan and another Vs. The Superintendent of Police, Madurai] reported in 2020 2 LW crl 266 and 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 to the second respondent along with a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Erode District,
District Superintendent of Police Office,
Erode District.

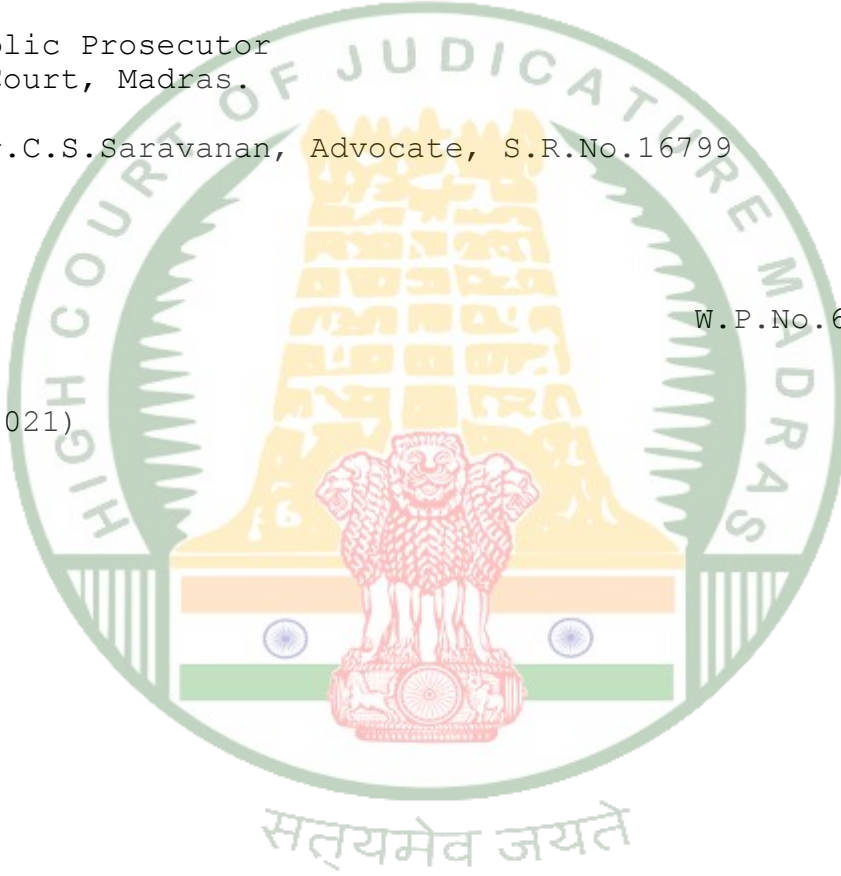
2. The Inspector of Police,
Arachalur Police Station,
Erode District.

3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.C.S.Saravanan, Advocate, S.R.No.16799

W.P.No.6774 of 2021

PL(CO)
KM(20/04/2021)



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