

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.7628 of 2021

K.Saravanan

...Petitioner

Versus

1. The District Collector,
O/o the District Collectorate,
Namakkal District.
 2. The Superintendent of Police,
O/o the Superintendent of Police,
Namakkal District.
 3. The Inspector of Police,
Puduchathiram Police Station,
Namakkal District.
- ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 1st respondent to call for records pertaining on the file of the 2nd respondent respect of History Sheet No. 119 of 2018 maintained by the 3rd respondent and consequently direct the 1st respondent to remove the petitioner name from the history sheet based on the RC. No.133410-1/Crime4(3)/2020 dated 22.07.2020.

For Petitioner : Mr.G.Munuraj

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This writ petition has been filed for an issuance of Writ of Mandamus, to direct the 1st respondent to call for records pertaining on the file of the 2nd respondent respect of History Sheet No. 119 of 2018 maintained by the 3rd respondent and consequently direct the 1st respondent to remove the petitioner name from the history sheet based on the RC. No.133410-1/Crime4(3)/2020 dated 22.07.2020.

2.The case of the petitioner is that the 3rd respondent police registered an FIR in Crime No.88 of 2013. The petitioner

was made as an accused in this case. Thereafter, the respondent police has registered an FIR under Section 110 of Cr.P.C. In the meantime, the 3rd respondent opened the History Sheet in H.S.No.119 of 2018. The petitioner also approached this Court on an earlier occasion and this Court directed the 3rd respondent to consider the representation. The same was not complied with by the 3rd respondent.

3.The grievance of the petitioner is that the 3rd 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 24.11.2020 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 3rd respondent to immediately act on the representation made by the petitioner on 24.11.2020 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 3rd respondent along with a copy of this order.

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

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr
To

1. The District Collector,
O/o the District Collectorate,
Namakkal District.

2. The Superintendent of Police,
O/o the Superintendent of Police,
Namakkal District.

3. The Inspector of Police,
Puduchathiram Police Station,
Namakkal District.

4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.G. Munuraj, Advocate sr 19079.

W.P.No.7628 of 2021

AJS (CO)
SP (25/05/2021)



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