

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.6886 of 2021

V.Prabhu,
S/o.Veerappan

... Petitioner

Vs.

1.The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Deputy Superintendent of Police,
Neyveli,
Cuddalore District.

3.The Inspector of Police,
Kurinjiupadi Police Station,
Cuddalore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus to direct the first and second respondents to delete the petitioner's name from the history sheet rowdy list in H.S.No.01 of 2016 pending on the file of the 3rd respondent, based on the petitioner representation dated 26.02.2021 within the time framed by this court.

For Petitioner : Mr.K.Gandhi Kumar

For Respondents : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

O R D E R

This writ petition has been filed for an issuance of Writ of Mandamus directing the first and second respondents to delete the petitioner's name from the history sheet rowdy list in H.S.No.01 of 2016 pending on the file of the 3rd respondent, based on the petitioner representation dated 26.02.2021 within the time framed by this court.

2. The case of the petitioner is that the third respondent had impleaded the petitioner in Crime No.222 of 2015 and the same was subsequently closed as mistake of fact. Thereafter,

the petitioner was called by the respondent police to execute a bond under Section 110 of Cr.P.c. In the mean time, the third respondent has opened a History Sheet against the petitioner in H.S.No.1 of 2016.

3. It is stated that apart from the above case, there was no other FIR registered against the petitioner. However, the name of the petitioner continued in the History Sheet maintained by the third respondent. According to the petitioner, in order to justify the continuation of the name in the History Sheet, the third respondent has initiated proceedings under Section 110 of Cr.P.C. The petitioner therefore made a representation to the Respondents on 26.02.2021 requesting for removal of the name of the petitioner from the History Sheet. Since the same was not considered, the present writ petition has been filed before this Court.

4. I heard Mr.K.Gandhi Kumar, 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 third respondent to consider the representation made by the petitioner on 26.02.2021 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 CrL. 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 third respondent along with a copy of this order.

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

Sd/-
Assistant Registrar
//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of Police,
Neyveli,
Cuddalore District.
3. The Inspector of Police,
Kurinjipadi Police Station,
Cuddalore District.
4. The Public Prosecutor
High Court, Madras.

+1 cc to Mr.K.Gandhikumar, Advocate Sr.No. 17126

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PL (CO)
RMP (09/04/2021)



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