

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7168 of 2021

Sivakumar

... Petitioner

Vs.

1. The Superintendent of Police,
Tiruvannamalai District.

2. The Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the first respondent to remove the petitioner's name from the History sheet in HS.No.167 of 2018 maintained by the second respondent within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.K.C.Karl Marx
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent police to consider the representation made by the petitioner dated 29.04.2019, wherein the petitioner has sought for removal of his name from the history sheet maintained by the second respondent in HS.No.167 of 2018.

2. The case of the petitioner is that the second respondent had registered an FIR in Crime Nos.122 of 2018 and 124 of 2018 and the petitioner was falsely implicated in these cases. That apart, two more FIR's were registered in Crime Nos.127 and 135 of 2018. According to the petitioner, all these FIRS' are pending investigation. It was based on these FIRs', the second respondent has opened a history sheet in H.S.No.167 of 2018.

3. The grievance of the petitioner is that the second respondent Police had opened a history sheet in HS.No.167 of 2018 against the petitioner and after 2018, no case was registered as against the petitioner. The petitioner, therefore, made a representation to the respondent Police to remove his 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.C.Karl Marx, 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 the limited relief sought for by the petitioner, there shall be a direction to the second respondent Police to consider the representation made by the petitioner dated 29.04.2019 and deal with the same in accordance with the guidelines issued by this Court in Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Annanagar (L & O) Range, Madurai City, Madurai and others reported in 2018 (4) MLJ crl. 585 and in the case of Thirumurugan and another Vs. Superintendent of Police, Madurai District, Alagarkovil road, Madurai and others reported in 2020 (2) LW Crl.266. The second 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 to the second respondent along with all the relevant documents and also a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//
सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Tiruvannamalai District.

2. The Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.

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3. The Public Prosecutor
High Court of Madras
Chennai - 600 104.

+1 cc to M/s.K.C. Karlmarx, SR.NO. 17930

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