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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.7350 OF 2021

1. Krishnamurthy,
S/o.Seetharaman

2. Pradeek Krishnamurthy,
S/o.Krishnamurthy

... Petitioners

Vs.

1. The Commissioner of Police,
Greater Chennai,
Veppery, Chennai - 600 007.

2. The Deputy Commissioner of Police,
Mylapore.

3. The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai-18.

...Respondents

PRAYER:-

Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the Respondents to delete the name of the petitioners from the History Sheet list maintained by the 3rd Respondent Police station and further prohibit summoning us by the 3rd respondent under Section 110 of Cr.P.C. as requested by the petitioners in their representation dated 06.03.2021 to all the respondents.

For Petitioners : Mr.G.Ravikumar

For Respondents : Mr.C.Raghavan
Government Advocate

O R D E R

On consent given by either parties, the main writ petition is taken up for final hearing.



2. This writ petition has been filed for issuance of Writ of Mandamus directing the Respondents to delete the name of the petitioners from the History Sheet list in H.S.No.1 of 2014 maintained by the 3rd Respondent Police station and further prohibit summoning them by the 3rd respondent under Section 110 of Cr.P.C. as requested by the petitioners in their representation dated 06.03.2021 to all the respondents.

3. The case of the petitioners is that the third respondent had registered an FIR in Crime No.710 of 2010 and the petitioners were roped in this case. Ultimately, the case was committed to the II Additional Sessions Court, Chennai and numbered as S.C.No.108 of 2011. The further case of the petitioners is that the case is now at the verge of completion. In the mean time, the petitioners have been called several times for enquiry under Section 110 of Cr.P.C. The further case of the petitioners is that apart from the above case, there is no other case pending against the petitioners. Therefore, the petitioners have made a representation dated 06.03.2021 to the respondent police.

4. According to the petitioner, in order to justify the continuation of the name in the History Sheet in H.S.No.1 of 2014, the third respondent has initiated proceedings under Section 110 of Cr.P.C. The petitioners therefore made a representation to the Respondents on 06.03.2021 requesting for removal of the name of the petitioners from the History Sheet. Since the same was not considered, the present writ petition has been filed before this Court.

5. I heard Mr.G.Ravikumar, the learned counsel for the petitioner and Mr.C.Raghavan, the learned Government Advocate for the Respondents.

6. 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 petitioners on 06.03.2021 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 Cr1. 585 and in [Thirumurugan and another Vs. The Superintendent of Police, Madurai] reported in 2020 2 LW cr1 266 and take a decision, within a period of four weeks from the date of receipt of a copy of this order. The petitioners are directed to make a fresh representation to the third respondent along with a copy of this order.



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

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Greater Chennai,
Veppery, Chennai-600 007.
2. The Deputy Commissioner of Police,
Mylapore.
3. The Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai-18.
4. The Public Prosecutor
High Court, Madras.

W.P.NO.7350 OF 2021

PMK (CO)
PBS (27/07/2021)