

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P. No.7255 of 2021

Abdul Muthalif @ Abdulla

... Petitioner

vs.

1.The Deputy Commissioner of Police
cum Executive Magistrate,
Flower Bazaar District,
North Beach Police Station Campus,
Chennai 600 001.

2.The Inspector of Police,
B-1 North Police Station,
Chennai 600 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to consider the representation dt.11.03.2021, made by the petitioner to delete his name in the list of History Sheet Rowdies in H.S.No.32/2007 and decide the same in accordance with law within a reasonable time as may be fixed by the Hon'ble Court.

For Petitioner : Mr.P.Pugalenth

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

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to consider the representation made by the petitioner on 11.03.2021, to delete the name of the petitioner from the History Sheet maintained against the petitioner by the 2nd respondent in H.S.No.14/2007.

2.The case of the petitioner is that the 2nd respondent had registered an FIR in Crime No.30 of 2008, against the petitioner for an offense under Section 151 of Cr.P.C., r/w &(1) (a) of Criminal Law Amendment Act. On this FIR, a history sheet

was opened against the petitioner in H.S.No.14 of 2007. The further case of the petitioner is that the 2nd respondent again issued a summon to the petitioner in the year 2020, by registering an FIR under Section 110 of Cr.P.C. According to the petitioner, the history sheet maintained against the petitioner is being used to harass the petitioner.

3.The petitioner made a representation to the 1st respondent on 11.03.2021 in this regard and requested the 1st respondent to remove the 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.P.Pugalenth, 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 also the limited relief sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 11.03.2021 and deal with the same strictly in accordance with the guidelines of this Court in Sabari @ Sabarigiri v. Assistant Commissioner of Police, Annanagar(L & O) Ranger, Madurai and Others reported in (2018) 4 MLJ Crl 585 and also the judgment of this Court in Thirumagan v. Superintendent of Police, Madurai and Others reported in (2020) 2 LW Crl 266. The 2nd respondent shall take a decision within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation along with a copy of this order to the 2nd respondent. A copy of the representation shall also be marked to the 1st respondent.

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

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KP
To

1.The Deputy Commissioner of Police,
cum Executive Magistrate,
Flower Bazaar District,
North Beach Police Station Campus,
Chennai 600 001.

2.The Inspector of Police,
B-1 North Police Station,
Chennai 600 001.

3.The Public Prosecutor,
High Court of Madras,
Madras.

+lcc to Mr.P.Pugalenth, Advocate Sr.17953

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BS(CO)
srg 15/04/2021



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