

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7416 of 2021

G.S.Srinivasan
S/o.Selvaraj

... Petitioner

Vs.

1. State of Tamil Nadu, rep. By its
Commissioner of Police,
Greater Chennai City,
Vepery, Chennai-600 007.
 2. The Inspector of Police,
M-2, Madhavaram Milk Colony Police Station,
Madhavaram, Chennai-600 051.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the Respondents to remove the name of the petitioner from the List of History Sheeters vide H.S.No.7 of 2016 maintained by the 2nd respondent Police.

For Petitioner : Mr.K.Premkumar
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 remove the name of the petitioner from the List of History Sheeters vide H.S.No.7 of 2016 maintained by the 2nd respondent Police.

3. The case of the petitioner is that the second respondent registered an FIR in Crime No.11 of 2011 against the petitioner. The case ultimately ended in trial in S.C.No.52 of 2018 before the Assistant Sessions Judge, Ponneri and the petitioner was acquitted from all the charges by judgment dated 06.08.2019. The further case of the petitioner is that yet

another case was registered by the second respondent against the petitioner and two others and even in this case, the petitioner was acquitted from all the charges in C.C.No.263 of 2016 by judgment dated 25.01.2019 passed by the Judicial Magistrate, Tiruvottriyur. In the mean time, the second respondent opened a History Sheet No.7 of 2016 against the petitioner.

4. According to the petitioner, in order to justify the continuation of the name in the History Sheet in H.S.No.7 of 2016, the second respondent has initiated proceedings under Section 110 of Cr.P.C. The petitioner therefore made a representation to the Respondents on 1.03.2021 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.

5. I heard Mr.K.Premkumar, 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 second respondent to consider the representation made by the petitioner on 13.03.2021 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 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 second respondent along with a copy of this order.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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

2. The Inspector of Police,
M-2, Madhavaram Milk Colony Police Station,
Madhavaram, Chennai-600 051.

3. The Public Prosecutor
High Court, Madras.

+2 CCS to Mr.K.Premkumar, Advocate sr 18928.

W.P.No.7416 of 2021

GJ(CO)
SP(31/03/2021)



WEB COPY