

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.9594 of 2021

R.Selvaraj

...Petitioner

Versus

- 1.The Superintendent of Police,
Namakkal,
Namakkal District.
- 2.The Deputy Superintendent of Police,
Namakkal,
Namakkal District.
- 3.The Inspector of Police,
Namakkal,
Namakkal District.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to remove the name of the petitioner in History Sheet opened and maintained by the 3rd respondent in History Sheet No.643 of 2020, dated 27.09.2020 by considering the petitioner's representation dated 30.03.2021.

For Petitioner : Mr.N.S.Suganthan

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

ORDER

This Writ Petition has been filed seeking a direction to direct the respondents to remove the name of the petitioner in History Sheet opened and maintained by the 3rd respondent in History Sheet No.643 of 2020, dated 27.09.2020 by considering the petitioner's representation dated 30.03.2021.

2.The gist of the case is that on 01.12.2018 the second respondent police registered a case in Crime No.997 of 2018, against three accused, out of which, the petitioner herein is

the second accused, for the offence under Section 420 of IPC and Section 5, 7(1) and 7(3) of the Lotteries Regulation Act, 1998. According to the petitioner, he has been falsely implicated in the case. Thereafter, a history sheet was opened against the petitioner herein by the third respondent in H.S.No.643 of 2020 dated 27.09.2020. Therefore, the petitioner gave representations dated 30.03.2021 to the respondents, to remove his name from the history sheet. Till date no action has been taken on his representations. Hence, the petitioner is constrained to file the present Writ Petition before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl.side) appearing for the respondents.

4. Taking into account of the facts and circumstances of the case and the limited scope of prayer sought by the petitioner in the present Writ Petition, this Court issues the following directions:-

(i) The petitioner is directed to submit a fresh representation along with a copy of this order before the third respondent.

(ii) On receipt of such representation, the third respondent is directed to consider the representations made by the petitioner dated 30.03.2021 and deal with the same strictly in accordance with the guidelines issued by this Court in Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Annanagar (L and O) Range, Madurai City, Madurai and others, reported in 2018 (4MLJ) Criminal page 585, and Thirumagan and Ors. Vs. The Superintendent of Police, Madurai District and Ors., reported in 2020 (2) LW Crl 266 and pass orders, within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is disposed of with the above directions. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

2.The Deputy Superintendent of Police,
Namakkal, Namakkal District.

3.The Inspector of Police,
Namakkal, Namakkal District.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.N.S. Suganthan, Advocate sr 23895.

W.P.No.9594 of 2021

UM(CO)
SP(24/06/2021)



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