

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2021

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

W.P.No.11641 of 2021

Sathish

...Petitioner

Versus

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

2.The Inspector of Police,
Thittakudi Taluk Police Station,
Cuddalore District.

...Respondents

This Writ Petition is filed under Section 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to remove the History Sheet No.1 of 2020 from the petitioner's name on the file of Inspector of Police, Thittagudi Taluk Police Station, the second respondent herein to secure the ends of justice.

For Petitioner : Mr.M.Velmurugan

For Respondents: Mr.A.Damodaran,
Counsel for Govt. of Tamilnadu (Crl.side)

O R D E R

The relief sought for in this petition is to direct the respondents to remove the petitioner's name from the History Sheet No.1 of 2020 on the file of the second respondent Police.

2. The main grievance of the petitioner is that though he gave a representation dated 07.10.2020 to the respondents to remove his name from the History Sheet No.1 of 2020 on the file of the second respondent Police, however, the same was not yet considered by them. Therefore, left with no other alternative, he has filed the present writ petition for the relief stated supra.

3.Heard the learned counsel on both sides.

4. In the case of Ganesan Vs. The District Superintendent of Police, Virudhunagar District, Virudhunagar reported in 2010 (6) CTC 507, this Court held as follows:

60. Police Standing Orders makes it explicit that the Sub Inspector of Police has to make necessary enquiries and ascertain the same before making a request to the Sub Divisional Officer to open or retain a history sheet. The Sub Divisional Officer or the Superintendent of Police after consideration of the surveillance report should arrive at a reasonable conclusion, as to the existence of materials warranting retention of the rowdy list. the discretion conferred on the police authorities under the Police Standing Orders is to subserve the object, viz., to control the prevention of crime and protection to others from crime and the surveillance data has to be carefully examined by the Station House Officer or the Competent Person, while recommending opening or retaining a rowdy list."

5. Similarly, month wise scrutiny or a close watch on the person concerned is also contemplated to continue the History Sheet. There must be a proper enquiry and the same cannot be continued without proper enquiry merely because the History Sheet has been opened in respect of a particular person. To continue such History Sheet, there must be valid materials available on record and it cannot be extended merely on the whims and fancies of the Police Officers. The Authority who is empowered to extend or continue the names of the persons in History Sheet, should arrive a conclusion based on the materials which are both objective and subjective instructions since it should be balanced with the fundamental right guaranteed to every citizen under Article 21 of the Constitution of India. Hence, this Court issues the following directions:

(i) The first respondent is directed to consider the representation dated 07.10.2020 given by the petitioner and also the entire materials available on record.

(ii) After considering the same, the first respondent shall take a decision as to whether the continuance of the name of petitioner in the History Sheet is really warranted or not and thereafter, pass appropriate orders on merits and in accordance with law, preferably, within a period of two months from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrr

To

- 1.The Superintendent of Police,
Cuddalore District,
Cuddalore.
- 2.The Inspector of Police,
Thittakudi Taluk Police Station,
Cuddalore District.
3. The Public Prosetuor
High court Madras

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JP (CO)
SB(12/07/2021)



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