



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.15684 of 2021

K.Subburaj

... Petitioner

Versus

1.State of Tamil Nadu,
Rep. by the Deputy Commissioner of Police,
Washermenpet Police District,
Washermenpet, Chennai.

2.The Inspector of Police,
N-2, Kasimedu Police Station,
Kasimedu, Chennai-600 013.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directed the respondents to remove the name of the petitioner from the History Sheet number not known on the files of the 2nd respondent.

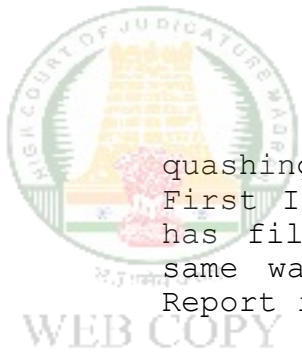
For Petitioner : Mr.K.M.Ramesh

For Respondents: Mr.A.Damodaran,
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed to direct the 2nd respondent to remove the name of the petitioner from the History Sheet.

2.The learned counsel for the petitioner submitted that the 2nd respondent Police registered two cases against the petitioner in Crime Nos.60 & 217 of 2019. In Crime No.217 of 2019, the 2nd respondent Police after completion of investigation filed the final report in C.C.No.2484 of 2019 before the learned XVI Metropolitan Magistrate, George Town, Chennai. The Crime No.60 of 2019 is still in investigation. The learned counsel further submitted that to quash the proceedings in C.C.No.2484 of 2019, the petitioner has filed a Quash Petition before this Court in Crl.O.P.No.2847 of 2021, which was allowed on 29.03.2021



quashing the proceedings in C.C.No.2484 of 2019. To quash the First Information Report in Crime No.60 of 2019, the petitioner has filed a Quash Petition in CrI.O.P.No.4255 of 2021 and the same was allowed on 29.03.2021 quashing the First Information Report in Crime No.60 of 2019.

3.The learned counsel for the petitioner further submitted that despite quashing of the above cases, the 2nd respondent did not remove the petitioner's name from the History Sheet. Due to which, the petitioner was unable to enroll as an Advocate in the Bar Council of Tamil Nadu and Puducherry. Further, the petitioner has no other cases other than the two cases quashed by this Court and he has never been convicted in any other case. The 2nd respondent has never communicated to the petitioner that his name is included in the History Sheet of the 2nd respondent even at the time of quashing of the proceedings. Since there is no other case pending against the petitioner, the petitioner had sent a representation to the respondents on 15.06.2021 to remove his name from the History Sheet and the same was not considered by them. Hence, he prayed this Court to direct the 2nd respondent to remove the name of the petitioner from the History Sheet.

4.The learned Government Advocate (CrI. Side) appearing on behalf of the respondents filed counter and submitted that the 2nd respondent Police sent a proposal to the 1st respondent requesting to open the History Sheet against the petitioner, finding the involvement of the petitioner in the above two cases and also based on the activities which are relating to the criminal breach of peace in the locality. On perusal of the file along with the report and also based on the case particulars, the 1st respondent ordered to open the History Sheet No.1 of 2019, dated 28.03.2019 against the petitioner.

5.This Court considered the rival submissions and perused the materials available on record.

6.The main ground that has been urged by the learned counsel for the petitioner to remove the name of the petitioner from the History Sheet is that this Court quashed the two cases against the petitioner, in CrI.O.P.Nos.2847 & 4255 of 2021 on 29.03.2021 and no other case is pending against him. Despite quashing of cases against the petitioner, the 2nd respondent failed to remove the name of the petitioner from the History Sheet. Due to the act of the 2nd respondent Police, the petitioner is unable to enroll as Advocate in the Bar Council of Tamil Nadu and Puducherry. It is submitted that the petitioner had sent representation to the respondents on 15.06.2021 to remove his name and the same was not considered. Since there is no case against the petitioner sofar on the file of the 2nd respondent



Police, the name of the petitioner in the History Sheet is to be removed.

7. In view of the above, the name of the petitioner in the History Sheet on the file of the 2nd respondent Police is wholly unwarranted.

8. In the result, this Writ Petition is allowed and the 2nd respondent Police is directed to remove the name of the petitioner from the History Sheet No.1 of 2019. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Commissioner of Police,
Washermenpet Police District,
Washermenpet, Chennai.

2. The Inspector of Police,
N-2, Kasimedu Police Station,
Kasimedu, Chennai-600 013.

3. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.K.M.Ramesh, Advocate Sr.39307

W.P.No.15684 of 2021

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srg 10/08/2021