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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.15596 OF 2021

Elumalai @ Moorthi

... Petitioner

Versus

1. State rep. by its
The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. State rep. by its
The Deputy Superintendent of Police,
Thittagudi,
Cuddalore District.
3. State rep. by its
The Inspector of Police,
Thittagudi Police Station,
Thittagudi,
Cuddalore District

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent and its subordinates not to harass the petitioner.

For Petitioner : Mr.P.Ganapathy

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

ORDER

This Criminal Original Petition has been filed to direct the 3rd respondent not to harass the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is an employee in a private security and he is working as a night watchman in Ramanatham Laxmi Vilas ATM Bank



and he had been regularly attending the duty. Since the petitioner is a History sheeted in H.S.No.2 of 2007, the respondent police knocking the petitioner's house at odd hours and also visiting his employment place and causing embarrassment. Due to the uncalled visit of the police, the petitioner is likely to lose his employment. After 2007, he had not involved in any of the criminal cases. Further, the Sub-Inspector of Police, 3rd respondent had given a certificate on 08.03.2014 certifying the character of the petitioner and also considering the employment of the petitioner in an Axis ATM, followed it by Certificates of Police Verification dated 03.01.2017, 29.01.2017. Despite the same, the petitioner has been called at odd hours.

3. The learned Government Advocate (crl.side) submitted that the the petitioner is a History Sheeted in H.S.No.02 of 2007. As per the procedure, his whereabouts is being verified, which cannot be termed as an harassment. He fairly admitted that earlier police verification certificates dated 08.03.2014, 03.01.2017 and 29.01.2021 had been issued by the Sub-Inspector of Police attached to the 3rd respondent and there is no material to show that the respondent police had made any enquiry for retaining the petitioner's name in the History Sheet. After 2007, the petitioner has not come under any adverse notice. He further submitted that the petitioner had already given a representation to the Superintendent of Police seeking for removal of his name from History Sheet.

4. This Court considered the submissions made on either side and perused the materials available on records carefully.

5. Considering the submissions and the perusal of the materials it is seen that the petitioner has been working as a Private Security in a Axis Bank ATM centers and after 2006, the petitioner had not involved in any criminal case. No request has been made by the 3rd respondent police for retaining the petitioner's name in History Sheet after 2007. The petitioner is a daily wage earner and directing the petitioner to approach the Superintendent of Police, Deputy Superintendent of Police and the respondent police seeking removal of his name from History Sheet, would cause loss of income for nearly a week.

6. Finding that the petitioner had already given a representation, and there is no adverse incidents against him, and even no request for retaining the name in the History Sheet has been made after 2008, this Court is inclined to quash the Order retaining the name of the petitioner in H.S.No.02 of 2007. The respondent police is directed to remove the name from the list of History Sheet.



7. With the above directions, this Criminal Original Petition is disposed of.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of Police,
Thittagudi,
Cuddalore District.
3. The Inspector of Police,
Thittagudi Police Station,
Thittagudi,
Cuddalore District
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Ganapathy, Advocate, S.R.No.44756

CRL.O.P.No.15596 of 2021

CP(CO)
PM/27/09/2021