



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

CORAM :

THE HONOURABLE **Mr.JUSTICE G.ILANGOVAN**

W.P.(MD)No.8074 of 2021

C.Apple @ Malayandi

...Petitioner

/Vs./

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

2.The Deputy Superintendent of Police,
Tiruchendure Sub Division,
Thoothukudi District.

3.The Inspector of Police,
Aathur Police Station,
Thoothukudi District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the second respondent to remove the petitioner's name from the History Sheet in H.S.No.107 of 2012, maintained in the third respondent's police station by considering the petitioner's representation, dated 25.03.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.Oli Raja

For Respondents : Mrs.S.Bharathi

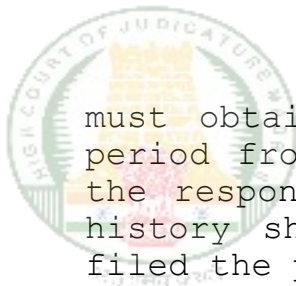
Government Advocate (Criminal Side)

ORDER

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

2.This petition is filed seeking a direction to the respondents to consider the petitioner's representation, dated 25.03.2021 and pass orders within the time stipulated by this Court.

3.The case of the petitioner is that the third respondent has registered a case against this petitioner in Crime No.137 of 2017 for the offences punishable under Section 110 of Cr.P.C. Before that false cases were registered against this petitioner and in all the criminal cases, he was acquitted. From 2017, no criminal case has been registered against him. However, a history sheet has been opened in H.S.No.107 of 2012 by the third respondent police. As per the Police Standing Order 751, the history sheets of the suspects shall be maintained from the date of registration upto the end of December. Thereafter, the order of an officer in the above rank of Assistant Superintendent of Police/Deputy Superintendent of Police



must obtain either for discontinuance or retention for a further period from January to December. So, he made a representation to the respondents 1 and 2 on 25.03.2021 to remove his name from the history sheet and that was not complied. Hence, the petitioner filed the present petition before this Court.

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4. When the matter came up for hearing, the learned Government Advocate (Criminal Side) for the respondents would submit that the authorities will consider the representation given by the petitioner on merits and pass appropriate orders within the time stipulated by this Court.

5. Considering the submissions made by the learned Government Advocate (Criminal side), the second respondent is directed to consider the representation given by the petitioner on merits and pass appropriate orders in accordance with law within a period of three weeks from the date of receipt of a copy of this order, keeping in mind the guidelines issued in the decisions in **Sabari @ Sabargiri Vs. Assistant Commissioner of Police, Annanagar (L&O) Range, Madurai City, Madurai and Others** reported in **2018 4 MLJ (Crl) 585** and **Thirumagan Vs. The Superintendent of Police, Madurai District** reported in **2020 (2) LW (Crl-266)**.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi.
2. The Deputy Superintendent of Police,
Tiruchendur Sub Division,
Thoothukudi District.
3. The Inspector of Police,
Aathur Police Station,
Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/>



+1CC to Mr.A.Oliraja, Advocate, SR.no.16860 dated 21/04/2021

W.P. (MD)No.8074 of 2021
19.04.2021

MA (CO)

KB(08.06.2021) 3P 5C

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