



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 13.08.2021

Delivered On: 21.10.2021

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THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P. (MD) .No.12278 of 2021
and W.M.P. (MD) .No.9655 of 2021

Sahul Hameed

... Petitioner

Vs.

1.The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Vilakuthoon Police Station,
Madurai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent No.2, to remove the petitioner's name from history sheet No.440 of 1999 on the file of the respondent No.2 by considering the petitioner's representation dated 08.07.2021.

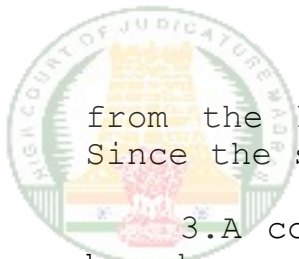
For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.R.M.Anbunithi for R1 and R2
Additional Public Prosecutor

ORDER

This petition has been filed seeking a Writ of Mandamus directing the respondent No.2 to remove the name of the petitioner from the history sheet No.440 of 1999 by considering the representation dated 08.07.2021.

2.The case of the petitioner is that the petitioner is running a fish shop at Madurai in 1958. He was falsely implicated in a murder case which was registered by the Mathichiyam police Station, Madurai District. He was tried by II Additional Sessions Judge, Madurai, and was acquitted and thereafter, no case is pending or filed against him. In the month of July 2020 the second respondent came to his residence and instructed him to appear before the second respondent office and for also tried to foist a case under Section 110 Cr.P.C. So because of the harassment, he filed CrI.O.P.(MD). No.9195 of 2020 before this Court and it was disposed on the submission made by the learned Additional Public Prosecutor that no complaint was pending against him. hence, for removing his name



from the history sheet, he sent a representation on 08.07.2021. Since the same was not considered, this petition came to be filed.

3.A counter affidavit has been filed by the State, wherein, it has been mentioned that totally three cases were pending against this petitioner. In Crime Nos.246 of 1998, 34 of 1999 and 406 of 2006 before various police stations. Out of which Crime No.246 of 1998 was registered for the offence under 302 IPC. He was acquitted from all the crime numbers. So because of the continues involvement in criminal cases that has been filed against this petitioner, a history sheet was extended till 31.12.2021 and he is under surveillance, not only by the local police, but also by several agencies. He is involved in fundamental activities. So the continuation of his history sheet is required.

4.Even though a larger relief is sought for in this petition, it appears that still the representation made by the petitioner is pending consideration by the first respondent herein. As per the information furnished by the petitioner, it is seen that he was involved in only one previous case. In that case also, he was acquitted. It was also admitted by the respondent herein. But he was continuously involved in one criminal cases in 1998, 1999 and 2006. Hence, because of the continues criminal activity, history sheet has been opened and extended till 31.12.2021.

5.The counsel for the petitioner would rely upon the judgment of this Court in W.P.(MD).No.21040 of 2018 and batch, wherein, a series of directions and guidelines have been issued in addition to the guidelines issued by this Court in the judgment of ***Sabari @ Sabarifiri's*** case. Where those guidelines have been followed or not, need not be considered in this matter for the simple reason that the representation made by the petitioner is still not yet disposed of by the first respondent. So this petition can be disposed with a direction to the first respondent to consider the representation made by the petitioner and dispose the same on merits within four weeks from the date of receipt of a copy of this order in the light of the pronouncement of various orders by this Court in ***Thirumagan and anotherVs. Superintendent of Police, Madurai, in W.P. (MD).No.21040 of 2018 and batch*** dated 03.07.2020 and as well as ***Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Anna Nagar, (L & O), Madurai City*** (2018-2-L.W.(Cr1.) 817) which followed by ***Ganesan Vs. The District Superintendent of Police and Others*** (2010 (6) CTC 507). So after completing the process the compliance report must be submitted before the Registry.

6.Accordingly, there shall be a direction to the first respondent to consider the representation made by the petitioner and dispose the same on merits within a period of four weeks from the date of receipt of a copy of this order.



7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

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/ /2021

Sub Assistant Registrar(CS)

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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 Commissioner of Police,
Madurai City.
2. The Inspector of Police,
Vilakuthoon Police Station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

1. The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.
(To Watch Report)

W.P. (MD) .No.12278 of 2021

21.10.2021

NSN (CO)

GC/JC (09.11.2021) 3P 6C