



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G. ILANGO VAN

Crl.O.P.(MD)Nos.10785 and 10828 of 2021

Gnana Sundaram ... Petitioner in Crl.O.P(MD).No.10785 of 2021
James ... Petitioner in Crl.O.P(MD).No.10828 of 2021

Vs.

1.The Deputy Superintendent of Police,
Thuckalay Sub-Division,
Kanyakumari District.

2.The Inspector of Police,
Kaliyakavilai Police Station,
Kaliyakavilai,
Kanyakumari District. ... Respondents in both Crl.OPs

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C., to direct the respondents herein to close the Rowdy Sheets opened against the petitioners in Rowdy sheet Nos.58 and 59 of 2006 dated 13.03.2006 on the basis of the representation dated 08.03.2021 lodged before the Respondent herein.

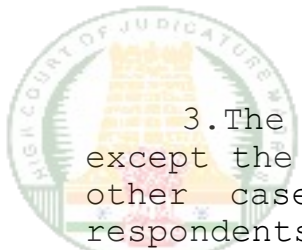
For Petitioners : Mr.A.Thiruvadi Kumar
(In both Crl.O.Ps)
For Respondents : Mr.R.M.Anbunithi
(In both Crl.O.Ps) Additional Public Prosecutor

COMMON ORDER

These petitions have been filed seeking direction to direct the respondents herein to close the Rowdy Sheets opened against the petitioners in Rowdy sheet Nos.58 and 59 of 2006 dated 13.03.2006 on the basis of the representation dated 08.03.2021 lodged before the Respondents herein.

2.The case of the petitioners is in brief :-

The second respondent has registered the FIR against the petitioners in Crime No.62 of 2006, for the offences under Section 148, 149, 294(b), 341, 353 and 307 of IPC. In pursuant to the said FIR, the present Rowdy Sheets came to be opened against the petitioners in Rowdy sheet Nos.58 and 59 of 2006 and the same was retained till date. The case in Crime No. 62 of 2006 came to be investigated and the final report was filed before the concerned Court. The said case was tried in S.C.No.29 of 2007 on the file of the Assistant Sessions Judge, Kuzhithurai, Kanyakumari District, dated 31.07.2017, wherein the petitioners and the other accused were



3.The learned counsel for the petitioners would submit that except the above said case, the petitioners have not involved in any other cases and the Rowdy Sheets were being retained by the respondents herein and the same was being periodically extended. Therefore, they made representation dated 08.03.2021 to the concerned official to close the rowdy sheets, there was no response from the concerned officials. Hence, the present petitions have been filed.

4.Heard both sides.

5.The learned Additional Public Prosecutor would submit that the petitioners are arrayed as first and third accused in Crime No.62 of 2006, except the above said Crime No.62 of 2006, the petitioners have not involved in any other cases and till now, the petitioners maintaining their good conduct as stated in the pleadings. He has also produced the recommendation letter sent by the Inspector of Police, Kaliyakavillai, wherein it has been stated that the petitioners are not involved in any other cases for the past 14 years. However, the Deputy Superintendent of Police, Thuckalay, made an endorsement stating that "retain till 31.12.2021".

6.The learned counsel for the petitioners has relied upon the reported judgement of this Court in **2011 1 MLJ(Crl)** in the case of **Ganesan Vs. Deputy Superintendent of Police, Virudunagar**, wherein a direction and guidelines have been issued relating to the retaining and extending the Rowdy Sheet.

7.It appears that none of the guidelines has been followed in these matter and as per PSO 748(1), a person can be history-sheeted only for two years and it can be extended for further period only by following the procedure. The second respondent has sent a recommendation letter to the first respondent, wherein stated that the petitioners are not involved in any other case and they were having good behaviour.

8.In view of the above, retaining the History Sheets is not legal and it is liable to be quashed. Accordingly, these petitions are allowed and a direction is issued to the first respondent herein to close the Rowdy Sheets that opened against the petitioners in Rowdy sheet Nos.58 and 59 of 2006.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /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 Deputy Superintendent of Police,
Thuckalay Sub-Division,
Kanyakumari District.

2.The Inspector of Police,
Kaliyakavilai Police Station,
Kaliyakavilai,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-27870[F],27871 dated
02/09/2021)

Crl.O.P.(MD)Nos.10785 and 10828 of 2021
01.09.2021

Sr(CO)
KB(15.09.2021) 3P 6C