



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.11.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P (MD) No.2281 of 2014**

**WEB COPY**

N.Kumar

... Petitioner

**Vs.**

1.The Superintendent of Police,  
Kanyakumari District,  
Nagercoil.

2.The Deputy Superintendent of Police,  
Colachel,  
Kanyakumari District.

3.The Inspector of Police,  
Pudhukkadai Police Station,  
Kanyakumari District.

... Respondents

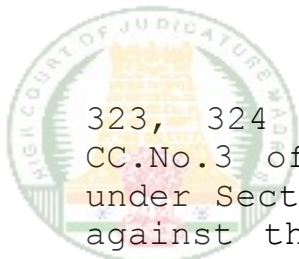
**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to remove the name of the petitioner from the history sheet.

For Petitioner : Mr.S.Sivakumar  
For Respondents : Mr.S.Kameswaran,  
Government Advocate.

**ORDER**

The petitioner herein had filed the present Writ Petition in the nature of Mandamus seeking a direction against the respondents / the Superintendent of Police, Kanyakumari District, the Deputy Superintendent of Police, Colachel, Kanyakumari District and the Inspector of Police, Pudhukkadai Police Station, Kanyakumari District to remove the name of the petitioner from the history sheet.

2. A counter had been filed by the third respondent in which it had been stated that the petitioner had adversely come to the attention of the respondent in Crime No.317 of 2008 which was registered under Section 341, 323, 326 and 506 (ii) of IPC. It is pending trial in CC.No.166 of 2008. Further, Crime No.353 of 2008 had also been registered under Section 294 (b), 324, 506 (ii) of IPC which is also pending trial in CC.No.189 of 2008. Further, Crime No.311 of 2010 had been registered under Section 294 (b),



323, 324 and 506 (ii) of IPC which is also pending trial in CC.No.3 of 2011. It is also stated that Crime No.553 of 2011 under Section 143, 188 and 153 (A) of IPC had also been registered against the petitioner but cognizance had not been taken by the jurisdictional Judicial Magistrate Court. It had also been stated that in view of all these aspects, the second respondent had permitted to open a rowdy history sheet against the petitioner to watch his activities within Pudhukkadai Police Station limits.

3. Learned counsel for the petitioner placed reliance on a judgment of the learned Single Judge of this Court in **W.P.No.5677 of 2007 by order dated 23.03.2010 in the case of L.Ravindran Vs. the Commissioner of Police and others.** The perusal of the facts in that particular case reveals that a representation had been given by the petitioner therein on 01.02.2005 seeking to remove his name from the list of history sheets. After waiting for a considerable period of time, in the year 2007, the Writ Petition was filed and orders were passed in the year 2010. At that time, the learned Single Judge had observed that keeping the representation without passing any orders, would add insult to injury. It is seen that the said observation was passed on the basis of the fact that the representation had not been considered at least for two (2) full years and thereafter for a further period of three (3) years till the time when the Writ Petition was examined.

4. In the instant case, the representation was dated 13.12.2013, immediately thereafter, on 07.02.2014 even without giving any breathing space to the respondents, the Writ Petition had been filed. Since the Writ Petition had been filed, no further action had been taken by the respondents on the representation given by the petitioner. It is the contention of the learned counsel for the petitioner that the calendar cases referred above had ended in acquittal.

5. Be that as it may, it is the duty of the respondents to examine the situation as on date and thereafter take a considered decision whether the name of the petitioner has to be continued in the history sheet or can be deleted. This Court can never give such a direction particularly when the respondents never had any opportunity but had less than two (2) months to examine the representation given by the petitioner and the petitioner had immediately thereafter rushed to the Court. The petitioner should have waited for some reasonable period of time for the respondents to act on his representation.

6. In the judgment cited by the learned counsel, it is seen that the petitioner therein had waited for two (2) full years after the date of representation and thereafter had moved the Writ



Petition complaining any action by the respondents. Naturally, the Court took umbrage on the fact that the respondents did not pass any orders and had directed that the name should be removed from the history sheet.

7. A direction is given to the respondents to examine the representation in the light of any subsequent development during the pendency of the Writ Petition and also examine whether any afresh case had been registered against the petitioner and thereafter pass necessary orders. Such orders may be passed on or before 31.01.2022.

8. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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,  
Kanyakumari District,  
Nagercoil.

2. The Deputy Superintendent of Police,  
Colachel,  
Kanyakumari District.

3. The Inspector of Police,  
Pudhukkadai Police Station,  
Kanyakumari District.

+1 CC to M/s.S. SIVAKUMAR, Advocate (SR-35407[F] dated 22/11/2021)  
+1 CC to M/s.SPL GP (SR-35463[F] dated 23/11/2021)

**W.P (MD) No.2281 of 2014**  
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