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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.1800 of 2022

A.Abdul Basith

...Petitioner

Vs.

1. The Superintendent of Police,  
Vellore District.

2. The Deputy Superintendent of Police,  
Gudiyatham Sub-Division  
Gudiyatham  
Vellore District.

3. The Inspector of Police,  
Pernambut Town Police Station,  
Pernambut, Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the name of the petitioner from the record of history sheet rowdies by considering the petitioner's representation dated 06.01.2022.

For Petitioner : Mr.J.Prakasam

For Respondents : Mr.E.Raj Thilak  
Additional Public Prosecutor.

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 herein to remove the name of the petitioner from the record of history sheet rowdies by considering the petitioner's representation dated 06.01.2022.

2.The learned counsel for the petitioner submits that the petitioner sent a representation on 06.01.2022 to the Superintendent of Police, Vellore. The petitioner's name had been included in the History Sheeter for only one case in Crime No.146 of 2018, for offences under Sections 353, 332 IPC & Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992. He further submits that the petitioner is



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into leather business, living with his family and leading a decent life and he is a social activist. For Cauvery water dispute, he had participated in the protest in a democratic way for which, case registered and subsequently H.S. No.547 of 2018 assigned to petitioner. Further the respondent police have not followed the procedure contemplated in Police Standing Order No.747 and there is no material to show that the petitioner is an habitual offender and involved in several cases or disturbance of public peace. Further he is not involved in any case prior to the registration of the criminal case or after the registration of the criminal case in Crime No.146 of 2018. After 2018, no request given by the third respondent and the second respondent has not forwarded request for retaining the petitioner's name in History Sheeter list to the first respondent. In view of the same, continuation of the petitioner's name as History Sheeter is not proper. The learned counsel for the petitioner, in support of his contentions, relied upon the decision of this Court in W.P. (MD) Nos.19651 of 2017, dated 26.09.2018.

3.The learned Additional Public Prosecutor submits that the petitioner is involved in Crime No.146 of 2018, for offences under Sections 353, 332 IPC & Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992 and not involved in any other case. The petitioner participated in the protest for release of Cauvery water and nothing more. He fairly submits that after 2018, one year after listing the petitioner as History Sheeter, no request for further retention of his name in the list made.

4.Finding reasons in the submissions and on a perusal of the materials, it is seen that the respondent police not followed the dictum laid by this Court in W.P.(MD) Nos.19651 of 2017, dated 26.09.2018 and the petitioner admittedly not involved in any case before or after the crime No.146 of 2018, this case pertains for protest seeking release of Cauvery water in a democratic way, petitioner shown solidarity with others. Our State is an agrarian State, Cauvery water is the life line. In view of the same, this Court is inclined to allow this writ petition, quash H.S.No.547 of 2018, remove the petitioner's name from the History Sheet, accordingly, this writ petition is allowed. No Costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,  
Vellore District.

2. The Deputy Superintendent of Police,  
Gudiyatham Sub-Division  
Gudiyatham, Vellore District.

3. The Inspector of Police,  
Pernambut Town Police Station,  
Pernambut, Vellore District.

4. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.J.Prakasam, Advocate SR. No.7248

W.P.No.1800 of 2022

PMK (CO)  
PR (23/02/2022)