



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.44049 of 2016

and

W.M.P.No.37857 of 2016

P.Elamaparethi

...Petitioner

Vs

1. The Secretary to Government
Home Department
Fort St. George
Chennai - 600 009.
2. The District Collector,
O/o. The District Collector,
Dharmapuri District
Dharmapuri - 636 705.
3. The Superintendent of Police
O/o. The Superintendent of Police
Dharmapuri District, Dharmapuri - 636 705.
4. The Deputy Superintendent of Police
O/o. The Deputy Superintendent of Police
Harur Range, Harur, Dharmapuri District.
5. The Inspector of Police,
Harur Police Station,
Harur, Dharmapuri District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus to call for the records relating to the History Sheet in H.S.No.517/D dated 27.09.2011 on the file of the 5th respondent and quash the same and directing the respondents herein to pay a compensation of Rs.5,00,000/- (Rupees Five Lakhs Only) to the petitioner based on his representation dated 26.12.2014.

For Petitioners : Mr.S.Kumara Deven

For Respondents 1 to 5 : Mr.C.Sathish
Government Advocate



ORDER

The order dated 27.09.2011 passed by the 5th respondent treating the petitioner as History Sheeter has challenged in the present writ petition.

2.The Madurai Bench of the Madras High Court passed a detailed order in W.P.(MD).No.19651 of 2017 dated 26.09.2018. On the basis of the said order, the Director General of Police, Chennai issued a circular in Rc.No.133410/Crime 4(3)/2018 dated 05.10.2018, which reads as follows:

"The Hon'ble Madurai Bench of Madras High Court in its order dated 26.09.2018, in a batch of cases, in the reference second cited, while quashing the History Sheet maintained in certain Police Stations and which are challenged before the Hon'ble Court, has observed and directed as follows :-

"28..... there is a general pattern adopted trend by the Police to continue to retain the names of the persons in the history sheet showing them as rowdies without any justifiable reasons. The Police did not realise that the purpose of opening a history sheet is to keep surveillance and check on hardened and habitual criminals in order to maintain peace and tranquility in the society.

29.As mentioned above, it also becomes the duty of the Police to keep reviewing the history sheet regularly to ensure that the persons, who are no longer required to be retained in the list are removed from the list, since it involves the dignity and public image of a person 30.Whenever representations are made by the persons whose names are found in the history sheet, it is the duty of the respondent Police to consider the same It will be of no use for the respondent Police to keep the representation pending even without considering them and driving the concerned persons to file appropriate petition before this Court. This Court only hopes that the Police learns a lesson at least after the passing of this order, to be more sensitive and serious in maintaining history sheet.

31..... The Police seems to be adopting the practice of registering FIRs against the persons under Sections 109 and 110 of CrPC, just to open the history sheet and to justify the continuance of the name of the persons in the history sheet. automatic opening of history sheet can be done only if the person has been convicted more than twice under Section 109 of CrPC and more than once under Section 110 of CrPC. Therefore, mere registration of an 6 FIR under



Sections 109 and 110 of CrPC can never justify the action of the Police in continuing to retain the name of the person in the history sheet.

32.....

33. This Court wants to make it clear that in all future cases, where the retention of the name of a person in history sheet becomes a subject matter of challenge before this Court, if this Court finds that the name of the person has been retained without any justification and is in contravention with PSO Nos. 746 to 748 and the guidelines given by this Court, compensation will be granted to the victims and the same will be directed to be recovered from the monthly salary of the Inspector of Police in whose station the history sheet is being maintained....."

2. Provisions contained in PSO 746 to 748 and the above orders of the Hon'ble High Court shall be followed scrupulously while maintaining the history sheets by the SHOs.

3. All Sub-Divisional Officers shall periodically review all History sheet files and Rowdy sheet files maintained in the Police Station under their jurisdiction.

4. IGPs in Zones, COPs in cities and the SPs in District shall sensitize all the Police personnel working under their jurisdiction in this regard and also review the cases periodically."

3. In view of the above orders, the petitioner is at liberty to submit a fresh representation before the competent authority and on receipt of such representation, the authority competent shall consider the same and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

4. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The Secretary to Government
Home Department, Fort St. George
Chennai - 600 009.



2. The District Collector,
O/o. The District Collector,
Dharmapuri District
Dharmapuri - 636 705.

WEB COPY

3. The Superintendent of Police
O/o. The Superintendent of Police
Dharmapuri District
Dharmapuri - 636 705.

4. The Deputy Superintendent of Police
O/o. The Deputy Superintendent of Police
Harur Range, Harur, Dharmapuri District.

5. The Inspector of Police,
Harur Police Station,
Harur, Dharmapuri District.

6. The Government Advocate
High Court, Madras.

+1cc to Mr.S.Kumaradevan, Advocate, S.R.No.4970
+1cc to the Government Pleader, S.R.No.5697

W.P.No.44049 of 2016

GPL(CO)
RGA(08/02/2022)