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W.P.No.21199 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P.No.21199 of 2021

Abdul Muthalif @ Abdulla

... Petitioner

Vs

1.The Deputy Commissioner of Police
cum Executive Magistrate,
Flower Bazaar District
North Beach Police Station Campus
Chennai-600 001.

2.The Inspector of Police,
B-1 North Police Station
Chennai-600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus calling for the records in the order bearing No.nil dated 29.06.2021 passed by the 2nd respondent and quash the same, and to direct the 2nd respondent to remove the petitioner's name in the History Sheet Rowdies viz., H.S.No.14/2004 maintained by him.



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For Petitioner : Mr.S.Nadhiya
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The Writ Petition has been filed, seeking to issue a Writ of Certiorarified Mandamus to call for the records relating to the order No.nil dated 29.06.2021 passed by the 2nd respondent and quash the same, and to direct the 2nd respondent to remove the petitioner's name in the History Sheet Rowdies viz., H.S.No.14/2004 maintained by him.

2. During the year 2008, the petitioner was arrested by the 2nd respondent in Crime No.30 of 2008 under Section 151 of Cr.P.C r/w 7(1) a of CLA Act and remanded to judicial custody; later, he was included in the history sheet maintained by the 2nd respondent in H.S No.32 of 2007. Since the petitioner's name was included in the history sheet, he was frequently harassed by the respondent police under the pretext of enquiry; hence, he gave a representation on 11.03.2021 to remove his name from the History Sheet Rowdies; since the representation was not



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considered, he has filed a writ petition in W.P No.7255 of 2021 before this Court and got a direction on 19.03.2021 to consider his representation dated 11.03.2021 in accordance with the guidelines of the judgment of this Court in the case of **Sabari @ Sabarigiri v. Assistant Commissioner of Police, Annanagar (L & O), Ranger, madurai and others** reported in **(2018) 4 MLJ CrL. 585** within a period of six weeks; the petitioner was also directed to make his personal appearance; the petitioner appeared before the respondent police and gave a fresh representation on 22.04.2021; however, the impugned order dated 29.06.2021 was passed; since the petitioner has not been removed from the history sheet, he has filed this writ petition seeking direction.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. The learned counsel appearing for the petitioner submitted that the impugned order has been passed without proper application of mind; there is only one case pending against the petitioner; though the respondent has got a duty to review the history sheet order every two



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years, that is not done for the petitioner; out of the five cases listed in the impugned order, he got acquitted in the first case; the second case was closed; the third case is punishable only for six months; in the said case, though an FIR has been registered in the year 2008, so far charge sheet has not been filed and it is barred by limitation; the fourth case alone is pending before the Principal District Judge, Thiruvallur in S.C No.1 of 2015; the fifth case is a case under Section 110 Cr.P.C; hence, the petitioner has filed this petition to quash the impugned order.

5. The learned Additional Public Prosecutor has submitted that the petitioner has involved in sensitive cases and they are religion oriented; he is involved in many high profile cases and facing charges for murder.

6. The latest representation given by the petitioner was on 22.04.2021. Eventhough a direction has been given on 19.03.2021 to consider the earlier petition given by the petitioner dated 11.03.2021, the respondent police has got a fresh representation from the petitioner on 22.04.2021 and the same was considered and then rejected.



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7. The learned counsel for the petitioner submitted that according to the judgment of this Court in the case of **Sabari @ Sabarigiri v. Assistant Commissioner of Police, Annanagar (L & O), Ranger, madurai and others** reported in (2018) 4 MLJ CrI. 585, the history sheet should reviewed for every 2 years and for the past 8 years, there is no new case is pending against the petitioner.

8. Since the impugned order has been passed before 1-1/2 years, the petitioner is at liberty to give a fresh representation once again and on receipt of the same, the 2nd respondent police shall consider it on merits and take a decision.

9. With the above observation, this Writ Petition is disposed of. No costs.

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Index : Yes/ No
Speaking Order: Yes/No
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R.MANJULA, J

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