

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.28262 of 2021

G.Rajaraman

... Petitioner

Vs.

1.The Director General of Police,
Puducherry Police,
Puducherry.

2.The Senior Superintendent of the Police (L & O),
The Chairman of History Sheet Examining Committee,
Puducherry Police, Puducherry.

3.The Superintendent of the Police (North),
O/o.Superintendent of Police (North),
Mettupalayam,
Puducherry - 609 009.

4.The Station House Officer,
Mettupalayam Police Station,
Mettupalayam,
Puducherry - 609 009.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue appropriate writs, orders or direction in a writ of mandamus, directing the respondents to consider the petitioner's representation dated 28.07.2021 and 29.07.2021 respectively to remove the petitioner's name from the History Sheet on the file of the 4th respondent herein.

For Petitioner: Mrs.R.Kalaiyarasi

For Respondents: Mr.V.Balamurugane

Public Prosecutor (Pondicherry).

O R D E R

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 28.07.2021 and 29.07.2021 respectively to remove the petitioner's name from the History Sheet on the file of the 4th respondent herein.

2.Learned counsel for the petitioner would submit that the petitioner is a Senior Citizen aged about 70 years. The

petitioner served in the Police Department for more than 30 years and thereafter he attained Superannuation on 31.10.2011 and he had been voluntarily helping indigent persons particularly those belonging to poor and marginal segments of society.

3.He would further submit that the petitioner has also engaged himself in various social activities, and he has also started Whats App group by name "Hello Friends" and also started a forum against corruption in public offices named "Tholkappiyar Anti-Corruption Movement" with the support of his ex-colleagues, friends and service minded volunteers. Since, he had sent representation against the illegal activities of Mr.Rajiv Ranjan, IPS, former SSP in Pondicherry the petitioner was booked in a false case in Cr.No.15 of 2016 for the offence under Section 294(b), 186, 353 r/w 34 IPC dated 18.02.2016. Except the above case, the petitioner has no other case pending against him as on date. However, since the petitioner had sent a representation against the former Senior Superintendent of Police, he has been falsely implicated in some of the cases, and during the relevant time and history sheet was also opened against the petitioner by the fourth respondent. As per the instructions of the DGP (Pondicherry), in Communication No.04/DGP/SECY/2017-74 dated 25.07.2020, the history sheet cannot be retained for a period of more than two years, unless fresh case is registered. However, the respondent in order to curtail the activities of the petitioner have kept the History sheet pending. Thereby, the petitioner have sent representations seeking to remove his name from the history sheet however, it has not been considered so far.

4.The learned Public Prosecutor (Pondicherry) would submit that the petitioner is a habitual offender against whom several cases have been registered by the 4th respondent police. The petitioner claims himself to be a public spirited person is indulging in offences and thereby, the History sheet has been opened against the petitioner. He would further submit that the representation of the petitioner has been forwarded to the second respondent who is the Chairman of History Sheet Examining Committee. Since, the committee has not been constituted, the meeting is not fixed. He would submit that the representations of the petitioner will be considered in the next meeting.

5.Heard the counsel for the petitioner and the learned Public Prosecutor (Pondicherry) for the respondents and perused the materials available on record.

6.In the matter regarding maintenance of records of history sheeters, this Court in the case of Manivanan Vs. State represented by The District Collector, Coimbatore District and Others, reported in (2013) 7 MLJ 501, has felt that there was lack of understanding on the part of the police

in maintaining the history sheet and had directed the Director General of Police, Tamilnadu to issue necessary instructions/guidelines/circulars with regard to the manner in which it has to be maintained and the manner in which the order has to be passed for extension of period to continue a person as a history sheeteer. In this case on hand, the petitioner is a resident of Pondicherry and the procedure in Pondicherry is different and it is stated that the 2nd respondent has not considered the representations of the petitioner dated 28.07.2021 and 29.07.2021 and the History Sheet Examining Committee has not been constituted so far.

7. In view of the above, a direction is issued to the 2nd respondent to consider the representations of the petitioner dated 28.07.2021 and 29.07.2021 and constitute the History Sheet Examining Committee and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

8. With the above observation, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jas/tsh
To

1. The Director General of Police,
Puducherry Police,
Puducherry.

2. The Senior Superintendent of the Police (L & O),
The Chairman of History Sheet Examining Committee,
Puducherry Police,
Puducherry.

3. The Superintendent of the Police (North),
O/o. Superintendent of Police (North),
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Puducherry - 609 009.

5. The Public Prosecutor (Pondichery)
High Court of Madras.

+1 cc to Mrs.R.Kalaiyarasi, Advocate Sr.NO. 20536

W.P.No.28262 of 2021

ssn (CO)

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A.SK(17/05/2022)