



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

W.P. No.28194 of 2021 and
WMP.No.29801 of 2021

Mr.S.Vijayakumar

..Petitioner

1. The Superintendent of Police
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of Police
Cuddalore District,
Cuddalore.
3. The Inspector of Police,
Thirupapuliur Police Station,
Cuddalore.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the petitioner's name from the History Sheet maintained by them in H.S.No.430/2016.

For Petitioner : Mr.R.Srinivas
for Ms.Mythili Srinivas
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed seeking direction to the respondents 1 to 3 to remove the petitioner's name from the History Sheet maintained by them in H.S.No.430/2016.

2. The case of the Petitioner in brief is as follows:

(i)The Petitioner was history sheeted by the Officer of the Thirupapuliur Police Station in H.S.No.430 of 2016 based on the cases registered against him Cr.Nos.395 of 2012 for the offence punishable under Sections 307, 323, 324, 148 and 294 (b) of I.P.C., Cr.No.113 of 2015 for the offence punishable under Sections 302, 324 r/w 34 I.P.C. and Cr.No.337 of 2016, which was suo motu registered by the Officer incharge of the



Thirupapuliyur Police Station for the offence punishable under Section 7 (1)(a) of Criminal Law Amendment Act 2005. The Petitioner was acquitted in Crime Nos.395 of 2012 and 113 of 2015 by Judgment dated 08.03.2018 and 25.11.2016 respectively and in Crime No.337 of 2016 Charge Sheet is yet to be filed, which is hit by limitation.

(ii) Despite several requests made by him orally to remove his name from the History Sheet, the respondents have not chosen to do so. It is further stated in order to keep the History Sheet alive, the officer has again registered two false cases against the petitioner in Cr.No.179 of 2021 for the offence punishable under Sections 294 (b), 323, 506 (ii) IPC and Crime No.193 of 2021 for the offence punishable under Section 392 of I.P.C. In Crime No.179 of 2021, the complaint was given after 2 days of delay as is evidenced from the date it was received by the Magistrate. Further, in Cr.No.193/2021, the case was registered against unknown accused and he was roped in the case only to maintain the History Sheet. It is further stated that from the year 2016 the petitioner has not involved in any cases and he is having two children and he is residing with his family and leading respectable life, but due to his name being included in the History Sheet, the petitioner is facing several difficulties and it is causing stigma in the Society.

(iii) The petitioner submitted a representation on 23.10.2021 to the respondents seeking to remove his name from the History sheet, but the respondents have not chosen to do so. Hence, this Writ Petition.

3. The learned Additional Public Prosecutor submitted that the representation of the petitioner dated 23.10.2021 has been received and enquiry will be completed and appropriate orders would be passed within the stipulated time fixed by this Court.

4. Considering the facts and circumstances of the case and also considering the submissions made by the learned Additional Public Prosecutor the respondents are directed to consider and pass orders on the representation of the petitioner dated 23.10.2021 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



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5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police
Cuddalore District,
Cuddalore.
2. The Deputy Superintendent of Police
Cuddalore District,
Cuddalore.
3. The Inspector of Police,
Thiruppapuliyur Police Station,
Cuddalore.
4. The Public Prosecutor
High Court, Madras.

+1 cc to Ms.Mythili Srinivas, Advocate Sr.NO. 758

W.P. No. 28194 of 2021

ksm(CO)
A.SK(11/03/2022)