



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 04.02.2022

PRONOUNCED ON : 20.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.1618 of 2022

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K.Surya

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Assistant Commissioner of Police,
Vilakkuthoon Town Range,
Madurai.

3. The Inspector of Police,
Southgate Crime police station,
Madurai Town.

4. The Inspector of Police,
Sellur Crime police station,
Madurai Town.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the petitioner's name from the history sheeted rowdy list in H.S.No.4 of 2020 on the file of respondents 3 and 4 on the basis of the petitioner's representation dated 22.12.2021.

For Petitioner : Mr.A.Joseph Jerry
For Respondents : Mr.M.Sakthi Kumar,
Government Advocate.

* * *

O R D E R

This writ petition has been filed for directing the respondents to remove the petitioner's name from the history sheeted rowdy list maintained by respondents 3 and 4. The petitioner has given a representation dated 22.12.2021 to the Commissioner of Police, Madurai City, in this regard. Since action was not taken on his representation, the present writ petition came to be filed.

2. The learned Government Advocate on instructions submitted that the petitioner was convicted for the offence under Section 380 of I.P.C. in Crime No.503 of 2018 registered on the file of B5,



Southgate police station. Another case in Crime No.596 of 2018 registered for the very same offence on the file of B5, Southgate police station is said to be pending trial.

3. The specific stand of the petitioner is that he was a juvenile during the relevant time and that both the cases were handled by the Juvenile Justice Board. The petitioner is also said to be involved for the offences under Sections 294(b), 323, 324, 506 (ii) of I.P.C. @ 294(b), 323, 324, 34 and 506(ii) I.P.C in Crime No.88 of 2019 registered on the file of Jaihindpuram police station. He is also said to be involved for the offences under Sections 457 and 380 of IPC registered in Crime No.1190 of 2020 on the file of Koodal pudur police station.

4. We are now in 2022. The petitioner is said to be aged 19 years. The specific stand of the petitioner is that all the six cases in which the petitioner is said to have been involved were committed as a juvenile. Section 24 of THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 is as follows:-

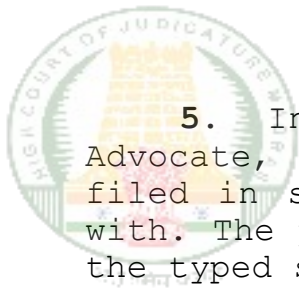
Removal of disqualification on the findings of an offence.

(1) Notwithstanding anything contained in any other law for the time being in force, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attached to a conviction of an offence under such law:

Provided that in case of a child who has completed or is above the age of sixteen years and is found to the conflict with law by the Children's Court under clause (i) of sub-section (1) of section 19, the provisions of sub-section(1) shall not apply.

(2) The Board shall make an order directing the Police, or by to the Children's Court and its own registry that the relevant records of such conviction shall be destroyed after the expiry of the period of appeal or, as the case may be, a reasonable period as may be prescribed:

Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of sub-section (1) of section 19, the relevant records of conviction of such child shall be retained by the Children's Court.



5. In the instructions given to the learned Government Advocate, the assertion made by the petitioner in the affidavit filed in support of this writ petition has not at all been dealt with. The petitioner has also not enclosed his birth certificate in the typed set of papers.

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6. I therefore direct the first respondent to enquire into the petitioner's representation. The petitioner is also directed to furnish materials regarding his date of birth. If all the cases were registered against the petitioner when he was a minor, the first respondent is directed to straightaway take action under the aforesaid provision and delete the name of the petitioner from the history sheeted rowdy list.

7. It is quite possible that Crime No.45 of 2020 was registered on the file of B5, Southgate police station after the petitioner attained majority. I note that the petitioner was convicted. But then, it is only a case under Section 75 of the Tamil Nadu City Police Act. The involvement in such a case will obviously not justify including a person in history sheeted rowdy list. Therefore, the first respondent shall take into account all the relevant factors and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the aforesaid directions. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

PMU

To:

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Assistant Commissioner of Police,
Vilakkuthoon Town Range,
Madurai.
3. The Inspector of Police,
Southgate Crime police station,
Madurai Town.



4. The Inspector of Police,
Sellur Crime police station, Madurai Town.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD) No. 1618 of 2022

20.04.2022

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