



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.3811 of 2022

M.Vijayapandiyan

...Petitioner

Vs.

1. The Superintendent of Police,
Tenkasi District,
Tenkasi.

2. The Deputy Superintendent Of Police,
Puliyankudi,
Tenkasi District.

3. The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the Respondents to remove the Petitioner's name from History Sheet Opened in History Sheet No.340 of 2019 on the file of the 2nd respondent office within a stipulated time that may be fixed by this Honble Court by considering the Petitioner's representation dated 17.02.2022.

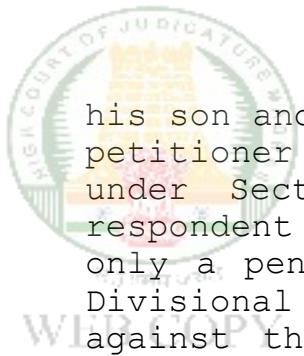
For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents to remove the petitioner's name from the History Sheet opened in History Sheet No.340 of 2019, on the file of the 2nd respondent office based on the petitioner's representation, dated 17.02.2022.

2.The learned counsel appearing for the petitioner would submit that the when the petitioner was the president of the Co-operative Society in his village, due to enmity, one Sangaiah Thevar, who had preferred a false complaint against the petitioner for the death of



his son and a case in crime No.310 of 2019 is registered against the petitioner on the file of the third respondent for the offences under Sections 341, 294(b), 302 and 506(2) of IPC, but, the respondent police very well aware of the fact that the above case is only a pending case against the petitioner. Further, the Revenue Divisional Officer, Sankarankovil, has initiated 113 proceedings against the petitioner, which was also quashed by this Court by order dated 23.11.2020 in CrI.O.P(MD)No.12622 of 2020. In this regard, the petitioner had already made representation on 17.02.2022, to delete his name in the History Sheet, but the respondents have not yet considered till date. Therefore, he sought for allowing the writ petition.

3.The learned Government Advocate appearing for the respondents submitted that the investigation is pending in Crime No.310 of 2019. Therefore, he prays to dismiss the writ petition.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5.The issue involved in this writ petition has already been dealt with by the Madurai Bench of this Court and detailed order has been passed in W.P.(MD)No.19651 of 2017 on 26.09.2018. On the basis of the above 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

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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 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 citities and the SPs in District shall sensitize all the Police personnel working under their jurisdiction in this regard and also review the cases periodically."

6. In view of the above circular passed by the Director General of Police, Chennai, this Court is inclined to pass the following orders :-

(i) the second respondent is directed to delete the name of the petitioner in the History Sheet No:340 of 2019, within a period of six weeks from the date of receipt of a copy of the Order.

7. With the above directions, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Tenkasi District, Tenkasi.
2. The Deputy Superintendent Of Police,
Puliyankudi, Tenkasi District.
3. The Inspector of Police,
Puliyankudi Police Station, Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-9545[F] dated 02/03/2022)

W.P(MD) .No.3811 of 2022
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KG (CO)

TR(18.03.2022) 4P 6C

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