



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.7814 of 2022

Samu Ilyas

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its
The Home Secretary,
St.George Fort,
Chennai.

2.The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.

4.The Assistant Superintendent of Police,
Office of the Assistant Superintendent of Police,
Tiruchendur, Thoothukudi District.

5.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 3 and 4 to remove the petitioner's name from the history sheet vide No.295/2020 on the file of the fifth respondent by considering the petitioner's representation, dated 17.04.2022.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor



ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents 3 and 4 to remove the petitioner's name from the history sheet vide No.295/2020, on the file of the fifth respondent, by considering the petitioner's representation, dated 17.04.2022.

2.The learned counsel appearing for the petitioner would submit that one Saravanan, who is the Sub Inspector of Police along with the fifth respondent herein, harassed the petitioner by interfering into the civil dispute and obtained a false complaint from the landlord of the petitioner's house. Subsequently, the said Sub-Inspector of Police registered four cases, in which, except two cases all other cases are ended in acquittal. For the past two years, there is no pending case against the petitioner. But, on 09.01.2022, the fifth respondent and other police officials went to the petitioner's house and asked for his Aadhaar card for initiating 110 Cr.P.C. proceedings. In this regard, the petitioner has sent a representation to the higher authorities and filed a direction petition before this Court in Crl.O.P(MD)No.3228/2022 and the same was ordered with some directions. While being so, the fifth respondent had included the petitioner's name in the history sheet vide H.S.No.295/2020. In this regard, on 17.04.2022, the petitioner gave a representation to the respondents and requested to delete the History Sheet, but the respondents have not yet considered till date. Therefore, he sought for allowing the writ petition.

3.The learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner is an habitual offender indulging in rowdy activities etc. Hence, History Sheeted Rowdy Book was opened at the fifth respondent police station as against the petitioner and it is being extended regularly as per the Police Standing Order. Therefore, he prays to dismiss the writ petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor 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,



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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 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



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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 maintaing 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 citites 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 consider the petitioner's representation, dated 17.04.2022 and pass orders, on merits and in accordance with law, 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 disposed of. No costs.

Sd/-

Assistant Registrar (Records)

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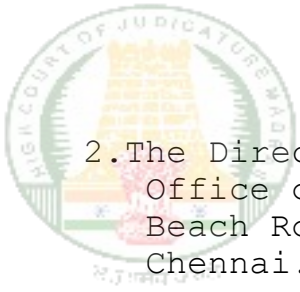
Sub Assistant Registrar(CS)

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To

1.The Government of Tamil Nadu,
The Home Secretary,
St. George Fort, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.

4.The Assistant Superintendent of Police,
Office of the Assistant Superintendent of Police,
Tiruchendur, Thoothukudi District.

5.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.

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

W.P (MD) .No.7814 of 2022
22.04.2022

RD(12.05.2022) 5P 7C