



W.P(MD)No.17949 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.17949 of 2022

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...Petitioner

VS

1.The Superintendent of Police,
O/o.the Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.

3.The Inspector of Police,
Abiramapattinam Police Station,
Thanjavur 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 herein to remove the petitioner's name in the History Sheet No.597/2020 maintained by the 2nd respondent within the time stipulated by this Court by considering petitioner's representation dated 01.08.2022.

For Petitioner :Mr.B.Jameel Arasu

For Respondents : Mr.M.Sakthi Kumar

Government Advocate(Crl.Side)



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ORDER

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This writ petitioner filed this Writ Petition seeking direction to the respondents to remove the petitioner's name in the History Sheet No.597/2020 maintained by the 2nd respondent within stipulated time that may be fixed by this Court by considering petitioner's representation, dated 01.08.2022.

2.The learned Government Advocate (criminal side) appearing for the respondents submitted that in view of the Police Standing Order No.749 '*if a person is suspects automatically he comes under history sheeted*'. He further submitted that the petitioner is a habitual offender and hence History Sheet No.597/2020 was opened on the file of the 2nd respondent herein.

3.The learned counsel appearing for the petitioner raised an objection that the petitioner is not a habitual offender and he was wrongly included in the history sheet. He further submitted that as on date, there is no criminal case pending against him.



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4.Eventhough the prayer sought for by the petitioner is to remove the petitioner's name from History Sheet No.597/2020 pending on the file of the 2nd respondent herein and seeking direction to consider his representation, dated 01.08.2022 by the competent authority.

5.This Court considered the rival submissions made on either side and perused the material documents available on record.

6.It is seen from the records that the petitioner's name was included in the History sheet No.597/2020 the same is pending on the file of the 2nd respondent herein. The petitioner gave his representation, dated 01.08.2022 to remove his name and closed the History Sheet No.597/2020 and the same is pending. Hence, the writ petitioner seeking relief by way of filing this writ petition.

7.In view of the Police Standing Order No.748 the Superintendent of Police is a competent person to close the History sheet. Therefore, the 1st respondent/Superintendent of Police is directed to consider the petitioner's representation, dated 01.08.2022 on merits and in accordance



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with law and pass suitable orders, within a period of ***Three*** weeks from the date of receipt of copy of the order.

8. With the above observation, this Writ petition is disposed of. No

Cost.

10.08.2022

Index : Yes/No
Internet : Yes/ No
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To



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O/o.the Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.
- 3.The Inspector of Police,
Abiramapattinam Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J

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