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W.P (MD).No.22886 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.03.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.22886 of 2021

K.Ramesh @ Aavin Ramesh

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Office of Commissioner of Police,
1/165, Alagar Kovil Road,
Madurai District.

2.The Deputy Commissioner of Police (Law and Order),
Office of Commissioner of Police,
1/165, Alagar Kovil Road,
Madurai District.

3.The Inspector of Police,
D-1 Thallakulam Police Station (L&O),
Thallakulam,
Madurai.

...Respondents

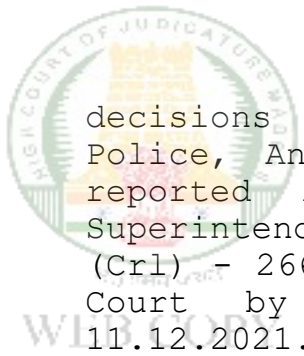
Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, by directing the respondents to remove the petitioner's name and close the history sheet in H.S. No. 21 of 2014 maintaining by the 3rd respondent police by following the guidelines issued in the decisions in Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Annanagar (L&O) Range, Madurai City, Madurai and Others reported in 2018 4 MLJ (Cr1) 585 and Thirumagan Vs. The Superintendent of Police, Madurai District reported in 2020 (2) LW (Cr1) - 266 within the time frame that may be fixed by this Hon'ble Court by considering the petitioner's representation dated 11.12.2021.

For Petitioner
For Respondents

: Mr.Niranjana S.Kumar
: Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

ORDER

The prayer sought for in the present writ petition is to direct the respondents to remove the petitioner's name and close the history sheet in H.S. No. 21 of 2014 maintaining by the 3rd respondent police by following the guidelines issued in the



decisions in Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Annanagar (L&O) Range, Madurai City, Madurai and Others reported in 2018 4 MLJ (Crl) 585 and Thirumagan Vs. The Superintendent of Police, Madurai District reported in 2020 (2) LW (Crl) - 266 within the time frame that may be fixed by this Hon'ble Court by considering the petitioner's representation dated 11.12.2021.

2. The learned counsel appearing for the petitioner would submit that the petitioner is running a small Tiffin Centre in the name as 'Shri Annai Tiffin Centre' at Mattuthavanai integrated bus stand, as a partner. His wife was passed away in the year 2011, leaving behind three daughters of aged about 15 years and twins aged about 12 years. He is the sole bread winner of his family. Admittedly, there was four criminal cases were registered against the petitioner between 2011 and 2017, thereby history sheet also generated against him by the third respondent police in H.S.No.21 of 2014. As of the four aforesaid cases, he had been acquitted in two cases by the competent jurisdiction Court and only one case is pending against him and the same is also in FIR stage from 2014. He would further submits that the third respondent registered false case against the petitioner. In continuation, in order to harass the petitioner and to restrict his movements, at the instigation of the superior officers in the Police Department, History Sheeted Rowdy Book was opened at the second respondent police station and the petitioner was compelled to attend the police station in the pretext of enquiry in a routine manner. In this regard, the petitioner had already made representation on 11.12.2021, 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 Government Advocate (Criminal Side) appearing for the respondents submitted that the petitioner is an habitual offender indulging in rowdy activities, extortion, katta panchayats, etc. Hence, History Sheeted Rowdy Book was opened at the third 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 Government Advocate (Criminal Side) 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

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 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



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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 cities 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 11.12.2021 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 this Order.

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

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



To

1.The Commissioner of Police,
Madurai City,
Office of Commissioner of Police,
1/165, Alagar Kovil Road,
Madurai District.

2.The Deputy Commissioner of Police (Law and Order),
Office of Commissioner of Police,
1/165, Alagar Kovil Road,
Madurai District.

3.The Inspector of Police,
D-1 Thallakulam Police Station (L&O),
Thallakulam,
Madurai.

+1 CC to M/s.NIRANJAN S KUMAR, Advocate (SR-14994[F] dated
28/03/2022)

W.P (MD).No.22886 of 2021
25.03.2022

SP(CO)
KB(06.04.2022) 5P 5C