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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM:

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

W.P.No.17526 of 2012
and M.P.No.1 of 2012

M.Paramasivam ...Petitioner

-Vs-

1. The Secretary to Government,
   Home Department,
   Fort St. George,
   Chennai – 600 009.

2. The Superintendent of Police,
   O/o. The Superintendent of Police,
   Thiruvannamalai District,
   Vengikal,
   Thiruvannamalai – 606 602.

3. The Deputy Superintendent of Police,
   Tiruvannamalai Town Limit,
   Muthuvinayagar Koil Street,
   Thiruvannamalai 606 601,
   Thiruvannamalai District.

4. The Inspector of Police,
   Thiruvannamalai Town Police Station,
   Thiruvannamalai – 606 601.

5. The Inspector of Police,
   Thiruvannamalai Taluk Police Station,
   Thiruvannamalai – 606 601. ... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the History sheet 556/2005 on the file of the fourth respondent dated 27.06.2005 and quash the same and directing the respondents to award a compensation of Rs.10,00,000/- to the petitioner.

For Petitioner : Mr.S.Kumara Devan

For Respondents
For R1 : Ms.V.Yamunadevi
Special Government Pleader
For R2 to R5 : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed challenging the records relating to History sheet No. 556 of 2005 on the file of the fourth respondent and also seeking compensation of Rs.10,00,000/-.

2. The petitioner is an habitual offender and his name has been maintained in the history sheet in order to monitor the activities of the petitioner herein. On a perusal of the counter revealed that, the petitioner originally involved in five cases and all the cases are pending trial before the various Courts. Therefore, his request for removal of his name from

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the history sheet was rejected by the fourth respondent herein. Hence, the petitioner filed this present Writ Petition with the above said prayer.

3. 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 Histroy 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.*

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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

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

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

(i) The petitioner is directed to submit a fresh representation before the fourth respondent within a period of two weeks from the date of receipt of a copy of this Order.

(ii) On receipt of such representation, the fourth respondent is directed to consider the representation, in view of the direction issued by this Court and pass orders on merits within the period of four weeks from the date of the receipt of the representation.

5. With the above directions, the writ petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to cost.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order

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To

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6. The Public Prosecutor,
   Madras High Court,
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G.K.ILANTHIRAIYAN. J,

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