



W.P.No.8938 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.8938 of 2023

G.Vijaya Kumar

...Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Krishnagiri District.

2.The Deputy Superintendent of Police,
Krishnagiri Range,
Krishnagiri District.

3.The State represented by
The Inspector of Police,
Town Police Station,
Krishnagiri District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, to call for records and quash the proceedings considering the representation dated 06.03.2023 and pass appropriate order to the 3rd respondent to remove his name from the history sheet bearing C.No. 95/ SDO/ KGI/ 2011 dated 24.06.2011 on the file of the 3rd respondent.



W.P.No.8938 of 2023

For Petitioner : Mr.C.Arun Kumar

For Respondents : Mr.S.Santhosh
Government Advocate (CrI.Side)

ORDER

The Writ Petition has been filed to call for records and quash the proceedings considering the representation dated 06.03.2023 and pass appropriate order to the 3rd respondent to remove his name from the history sheet bearing C.No. 95/ SDO/ KGI/ 2011 dated 24.06.2011 on the file of the 3rd respondent.

2. It is the submission of learned counsel for the petitioner that, petitioner was an accused in Crime Nos.215 of 2011, 1319 of 2010 and 7 of 2011. Final report was not filed in Crime Nos.1319 of 2010 and 7 of 2011. Final Report was filed only in Crime No.215 of 2011 and the case was taken on file in C.C.No.680 of 2012 on the file of VII Judicial Magistrate No.1, Krishnagiri and ended in acquittal. Petitioner name was included in the History Sheet Register in the year 2011 in C.No.95/SDO/KGI/2011. Till date, his name is not removed from the History Sheet Register. Therefore, he gave a representation dated 06.03.2023 for removing his name from History Sheet Register. However, so far no order is passed, necessitating filing of this



W.P.No.8938 of 2023

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3. In response, learned Government Advocate (Criminal side) submitted that, petitioner representation will be considered and appropriate orders would be passed.

4. Considered the submissions and perused the records.

5. This Court passed an Order in W.P.(MD).No.19651 of 2017 on 26.09.2018 with regard to History Sheet Register. On the basis of the said Order, Director General of Police, Chennai issued a Circular in Rc.No.66569/Crime 3(2)/2019 dated 24.04.2019, which reads as follows,

“7.From the above judgments the following principles emerge insofar as history sheeters are concerned:

a. In order to facilitate the study of crime and criminals, the Police Standing Orders provides a mechanism, whereby every W.P.(MD)No.12347 of 2020 Police Station shall maintain a crime history, which shall be a confidential record. In this record all cases of crime that



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W.P.No.8938 of 2023

are mentioned in PSO No.742, which provides various classes of crime, shall be entered and even an attempt to commit those offences, are entered in the records maintained in the Police Station.

b. These crime records maintained by the Various Police Stations shall be reviewed every year by the Inspector of Police of the concerned Police Station. On such review, the Inspector of Police has to furnish a concise appreciation of the year's crime for the benefit of the Superior Officers and also to make suggestions in order to improve the quality of crime control. The review undertaken by the Inspector of Police is not merely a catalogue of the crime in the year. It should reflect the valuable suggestions in order to prevent such crimes in future and to provide ways and means of handling serious offences in an effective manner.

c. History Sheet can be opened by the concerned Police Station under two circumstances. The first circumstance is provided under PSO No.746, which states that W.P.(MD)No.12347 of 2020 the history sheet can be opened against a person who is a resident (permanently or temporarily) within the station limit, who is known or believed to be addicted to commission of crime, whether



WEB COPY



W.P.No.8938 of 2023

convicted or not. Here the thrust is on the habituality or the propensity to commit a crime by a person, which is sought to be monitored by opening a history sheet.

d. The second category of persons against whom history sheet can be opened are the persons, who are convicted for various offences that has been listed in PSO No.747, wherein opening of the history sheet is automatic.

e. In the first category of opening history sheet, month wise scrutiny or a close watch on the person concerned is contemplated. Here also there is sub- categorization as, close watch bad characters and non-close watch bad characters. In the former, the entry shall be made month wise and in the later, the entry shall be made once in a quarter. What is entered is normally anything of interest in respect of the bad character, which goes to the notice of the Police. These records must be checked and W.P.(MD)No.12347 of 2020 brought upto date once in a year. Here the main thrust is on “Current Doings”.

f. In the second category of opening history sheet, a mere act of conviction under the offences listed in PSO No.747 is enough. The name of the persons, who have been convicted for those offences can be retained for a period



W.P.No.8938 of 2023

WEB COPY

of two years after their release from jail.

g. PSO No.748, is the most important provision, which deals with discontinuance of history sheet. This provision is common to both the categories falling under PSO Nos.746 and 747. As per PSO No.748, the Superintendent of Police may order a closure of a history sheet at any time. But, the Divisional Officer can order closure of history sheet only after the expiry of the period stipulated in PSO No.747.

h. As per PSO 748, where retention of the history sheet is considered to be necessary, even after two years of registration, orders of an Officer of and above the rank of Assistant Superintendent of Police/ Deputy Superintendent of Police must be taken for extension for the first instance upto the end of next December. For further annual W.P.(MD)No.12347 of 2020 extension from January to December, separate orders must be passed every time by an Officer of and above the rank of Assistant Superintendent of Police / Deputy Superintendent of Police. This provision is made applicable even for rowdy sheeters.



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i. For the purpose of passing such orders, there must be valid materials available on record and it cannot be passed on the whims and fancies of the Police Officers. Therefore, the authority empowered to extend the period of retention of the names of the persons in the history sheet, should record his reasons based on both objective and subjective instructions.

j. Branding a person as a history sheeted rowdy, taints the name and image of the person. It is true that the entire purpose of maintaining a history sheet is to ensure public peace. However, it should be balanced with the fundamental right guaranteed to every citizen under Article 21 of the Constitution of India. Therefore, a fair and reasonable decision, based on the materials, with sufficient reasons, becomes sine qua non to retain the name of a person as a history sheeter beyond the period stipulated in W.P.(MD)No.12347 of 2020 the Police Standing Orders.

k. This Court has time and again brought the above principle to the notice of the Higher Police Officials and in one of the judgments in Manivanan Vs. State represented by The District Collector, Coimbatore District



W.P.No.8938 of 2023

and Others, reported in (2013) 7 MLJ 501, this Court felt that there is lack of understanding on the part of the Police in maintaining history sheet and therefore, directed the Director General of Police to issue necessary instructions / guidelines / circulars with regard to the manner in which it has to be maintained and the manner in which the orders will have to be passed for extension of the period to continue a person as a history sheeter.”

6. In the light of the said circular, this Court directs the respondents to consider the petitioner's representation dated 06.03.2023 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this Order.

7. Accordingly, this Writ Petition is disposed of.

23.03.2023

Index :Yes/No
Internet :Yes/No
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W.P.No.8938 of 2023

G.CHANDRASEKHARAN, J.

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To

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- 2.The Deputy Superintendent of Police,
Krishnagiri Range,
Krishnagiri District.
- 3.The State represented by
The Inspector of Police,
Town Police Station,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras.

W.P.No.8938 of 2023

23.03.2023