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W.P.No.14608 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.05.2023**

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14608 of 2023

G.Ashok

.. Petitioner

Vs.

State by,
The Inspector of Police,
F-1 Chintatripet Police Station,
Chennai-600 002.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondent to consider the representation dated 05.04.2023 made by the petitioner for delete his name in the list of History/Rowdies Sheet maintain in the respondent police station and decide the same in accordance with law within a reasonable time as may be fixed by the Hon'ble Court.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.S.Santhosh,
Government Advocate (Crl. Side)

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W.P.No.14608 of 2023

ORDER

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2. The learned counsel appearing for the petitioner would submit that the petitioner has completed I.T.I. and doing AC Mechanic. He would submit that during the year 2013, the respondent police registered a case in Crime No.1088 of 2013 under Sec.147, 148, 452, 341 and 307 I.P.C. against him and others. He would also submit that he is no way connected with the said crime and he is an innocent person. While being so, the respondent completed the investigation and filed the charge sheet and the case was taken on file in S.C.No.171 of 2017 on the file of learned V Addl. Sessions Court, Chennai. He would submit that there is no case pending against him in any other police station except the above said case. However, during the first week of April, the respondent police has called him and informed that since 2013, his name was listed in the respondent police station's history sheet and only 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 respondent police station and the petitioner



W.P.No.14608 of 2023

was compelled to attend the police station on the pretext of enquiry in a routine manner. In this regard, the petitioner had already made several representations to delete the History Sheet, but the respondent has 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, extortion, katta panchayats, etc. Hence, History Sheeted Rowdy Book was opened at the 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 Mr.P.Pugalendhi, learned counsel appearing for the petitioner and Mr.S.Santhosh, learned Government Advocate (Criminal side) appearing for the respondent.

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 :-



W.P.No.14608 of 2023

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.

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



WEB COPY



W.P.No.14608 of 2023

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 the name of a person in history sheet becomes a



W.P.No.14608 of 2023

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 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 issued by the Director General of Police, Chennai, this Court is inclined to pass the following orders :-



W.P.No.14608 of 2023

(i) The petitioner is directed to submit a fresh representation before the 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 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.

7. With the above directions, the writ petition stands disposed of.

No costs.

05.05.2023

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

To

1. The Inspector of Police,
F-1 Chintatripet Police Station,
Chennai-600 002.

2. The Public Prosecutor,
High Court, Madras.



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W.P.No.14608 of 2023

G.K.ILANTHIRAIYAN, J.

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W.P.No.14608 of 2023

05.05.2023