



W.P.No.27123 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 21.11.2023

Pronounced on : 05.12.2023

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.27123 of 2023

and

W.M.P.Nos.26570 & 26571 of 2023

B.Isaac

... Petitioner

/versus/

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Secretariate, Chennai-600 009.

2.The Superintendent of Police,
Thiruvallur District,
Thiruvallur-602 001.

3.The Assistant Superintendent of Police/DSP,
Thiruvallur Sub Division,
Thiruvallur District Police Department,
Thiruvallur-602 001.

4.The Inspector of Police (Circle Inspector),
B-2, Thiruvallur Taluk Police Station,
Thiruvallur-602 001.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records in letter issued by the 3rd respondent dated 01.03.2021 quash the same and to delete the name



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of the petitioner from the history sheet list dated 01.03.2021 order passed by the 3rd respondent Assistant Superintendent of Police/Deputy Superintendent of Police, Thiruvallur.

For petitioner : Dr.M.Udaya Kumar

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner herein an Advocate practising in the Courts at Thiruvallur District is accused (1) in Crime No.273 of 2018 on the file of B2, Thiruvallur Taluk Police Station for offences under Section 294 (b), 342, 323, 327, 354 and 506(ii) IPC and (2) in Crime No.248 of 2019, on the file of the Pularambakkam Police Station for offences under Sections 294(b), 448, 384 & 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. He has come to the adverse notice of the police for his illegal act of abduction, extortion and women harassment. Hence the police has opened history sheet. The first case was registered on 22.06.2018 on the complaint given by the General Manager of M/s.Laxmi Tractors alleging that there was dispute between him and one Ramdass, a customer of the complainant regarding registration of a tractor sold by the complainant. The petitioner



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interfered in that dispute and demanded Rs.1,75,000/-. When the complainant refused, he came to the show room and threatened and assaulted. He had also molested and abuse the woman staff who recorded the violent act of the accused. The petitioner kidnapped the complainant and illegally confined him in his house. Only after receiving a ransom of Rs.25,000/-, the complainant was let free.

3. The second complainant is by a woman Advocate who had been threatened with dire consequence for not paying additional charge of Rs.1 lakh for his service rendered in a case of marriage registration. This complainant was later forced to retract her complaint.

4. The Inspector of Police, Thiruvallur had recommended for opening of history sheet against the petitioner since in his opinion the activities of the petitioner requires close watch to avoid untoward incident in future.

5. The petitioner being aggrieved by opening of History Sheet has given a representation to delete his name from the History Sheet register. Since the respondents had not acted on his representation, the present Writ Petition to



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quash the communication of the 3rd respondent dated 01.03.2021 addressed to Deputy Superintendent of Police, Thiruvallur to open “Rowdy History Sheet” and to delete his name from the History Sheet.

6. The learned counsel for the petitioner submitted that, in the two cases registered in the year 2018 and 2019 final report has not been filed. When the petitioner filed quash petitions, the respondent police made false representation that final report filed therefore, the quash petitions were dismissed. He also submitted that the police trying to brand the petitioner as a Rowdy to prevent him from carrying his profession as a lawyer.

7. The learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner been involved in several extortion cases but due to fear some of the complaints are withdrawn. The petitioner carrying on crime of extortion as profession. Even recently a case in Crime No.6 of 2023 been registered against him for offences under Sections 324, 506(ii) of IPC and Section 4 of Prohibition of Harassment of Women Act.



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8. The learned Government Advocate (Crl.Side) further submitted that, the allegation that false cases foisted against the petitioner is false, contrarily, the petitioner still continuing his illegal activity. Many victims are not inclined to give complaint and even if they give complaint, they are forced to withdraw the complaint.

9. Regarding final report, the learned Government Advocate (Crl.Side) submitted that final reports in these cases are filed but not taken on file by the Court for certain defects. Regarding opening of History Sheet, the counter filed by the 4th respondent reveals that the petitioner is in the habit of extorting money by threatening the public. To curtail his unlawful activities history sheet been opened.

10. Relying on Police Standing Order 747, the respondent had opened the history sheet and even thereafter the subsequent registration of case against the petitioner in Crime No.6 of 2023 on 03.01.2023 for threatening the road side soup vendor and her husband at knife point cited to justify that the behaviour of the petitioner warrants opening of history sheet.



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11. Heard the counsels. The antecedent of the petitioner noted from

the records produced.

12. Police Standing Order 747 permits opening of History Sheet for any person automatically in case Superintendent or Sub Divisional officer thinks it advisable on account of their active criminality. PSO 749 permits the police under the order of Superintendent or Divisional Officer to open history sheet for a person not convicted but believed to be addicted to crime.

13. Police Standing Order 747 (2) (a) permits police to classify a person as a rowdy and Rowdy Sheet [Form No.112] may be opened under the orders of the Superintendent against persons who habitually commit, attempt to commit or abet the commission of offences, involving breach of peace.

14. Enrolling oneself as an Advocate in the Bar Council cannot be a shield or a sword for a person to indulge in illegal activities causing threat to the public. However, on perusal of records and the legal position mentioned above, this Court finds that after the recommendation of the Inspector of Police, Thiruvallur Taluk Police Station vide letter dated 01.03.2021, whether the



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Deputy Superintendent of Police acted upon and ordered to include the petitioner or whether order passed by the Superintendent of Police who is the officer competent to pass the order to open History Sheet.

15. Hence this Writ Petition is disposed of with direction that if order opening of History Sheet not passed by the competent authority under Order 748 of PSO, the same shall stand quashed. Consequently, the connected Miscellaneous Petitions are also dismissed. No costs.

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Index :Yes/No.
Internet :Yes/No.
Speaking order/non speaking order
rpl

To:-

1.The Secretary to Government of Tamil Nadu,
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Secretariate, Chennai-600 009.

2.The Superintendent of Police,
Thiruvallur District,
Thiruvallur-602 001.

3.The Assistant Superintendent of Police/DSP,
Thiruvallur Sub Division,
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4.The Inspector of Police (Circle Inspector),
B-2, Thiruvallur Taluk Police Station,
Thiruvallur-602 001.

5.The Public Prosecutor, High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

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Pre delivery Order made in
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