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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.23564 of 2023

Rajesh

.. Petitioner

Vs.

1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The Inspector of Police,
C-1, Sriperumbudur Police Station,
Kancheepuram.

..Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, to direct the 1st respondent to remove my name from the History Sheet No.12/2017 on the file of the 2nd respondent herein, by considering my representation dated 13.04.2023.

For Petitioner : Mr.M.P.Yuvaraj

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent police to remove the name of the petitioner from the history sheet in H.S.No.12/2017 maintained by the 2nd respondent by considering the representations made by the petitioner on 13.04.2023.

2.The case of the petitioner is that his relative named Karthick was murdered for which a case was registered in Crime No.289 of 2015 on the file of the 2nd respondent in which he was arrayed as one of the witness. In the year 2016 a person named Murugan who is one of the accused in the above said case was murdered by some unknown person, for which the 2nd respondent herein registered a case in Crime No.82 of 2016 by arraying the petitioner and some of his relatives as accused wherein, the petitioner was arrayed as A5.

3. The further case of the petitioner is that in Crime No.82 of 2016 charge sheet was filed and the case was taken up for trial in S.C.No.12 of 2017 on the file of the learned Additional Sessions Court (Fast Track Court) Kancheepuram. After conducting the trial, the learned Sessions Judge passed an order dated 04.10.2019 by acquitting all the accused including the petitioner. Thereafter, the 2nd respondent opened a history



sheet against the petitioner in the year 2021 in H.S.No.12/2017.

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4.The grievance of the petitioner is that the 2nd respondent continues to retain the name of the petitioner in the history sheet and in order to justify the same, attempts are being made to initiate proceedings under section 110 of Cr.Pc. The petitioner made a representation on 13.04.2023 to remove his name from the history sheet. Since the same was not considered, the present writ petition has been filed before this Court.

5.Heard the learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of respondents.

6.Taking into consideration the facts and circumstances of the case, there shall be a direction to the 2nd respondent to act on the representation made by the petitioner and deal with the same in accordance with the guidelines issued by this Court in ***[Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Anna Nagar, (L&O) Range, Maurai city, Madurai and others]*** in 2018 4 MLJ CrL. 585 and in ***[Thirumurugan and another Vs. The Superintendent of Police, Madurai]*** reported in 2020 2 LW crl 266 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of



N.ANAND VENKATESH, J

ssr

WEB this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of this order.

7.This writ petition is disposed of with the above directions. No costs.

11.08.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
ssr

To

- 1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
- 2.The Inspector of Police,
C-1, Sriperumbudur Police Station,
Kancheepuram.
- 3.The Public Prosecutor
High Court of Madras, Madras.

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