



Writ Petition No.24022 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.24022 of 2023

B.Gopinath,
S/o.Bakthan.

...Petitioners

Vs

1.The Superintendent of Police,
Office of the Superintendent of Police,
Kancheepuram District,
Thayar Kulam, Kancheepuram - 631 501.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sriperumbudur Sub-Division,
Sriperumbudur - 602 105.

3.The Inspector of Police,
C1, Sriperumbudur Police Station,
Govinda Mettu Street, Katchipedu,
Sriperumbudur - 602 105.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to remove the Petitioner name in the History Sheet HS.No.78 of 2020(B)



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maintaining by the 3rd Respondent in puruant to Petitioner's representation dated 27.07.2023.

For Petitioner : Mr.K.R.Ramesh Kumar
For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents police to delete the name of the petitioner from the history sheet maintained by the 3rd respondent in H.S.No.473 of 2006.

2. The case of the petitioner is that the respondents registered three FIRs in Crime No.344 of 2016, Cr.No.850 of 2016, Crime No.619 of 2020 wherein the petitioner was arrayed as one of the accused. Thereafter, the 3rd respondent opened a history sheet against the petitioner in the year 2020 in H.S.No.78 of 2020(B).

3. The further case of the petitioner is that the during the



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course of trial in CC.No.60 of 2020 (Crime No.344 of 2016), a compromise has been arrived at between the parties before the learned Judicial Magistrate, Sriperumbudur and the Crime No.850 of 2016 was closed as barred by limitation u/s. 468 (2) of Cr.PC by the learned Judicial Magistrate, Sriperumbudur.

4. The grievance of the petitioner is that the 3rd 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 27.07.2023 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.



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6. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has reached a compromise in CC No.60 of 2022 (Crime No.344 of 2016) and the Crime No.850 of 2016 was closed as barred by limitation by the Court below, there shall be a direction to the 3rd respondent to immediately act on the representation made by the petitioner on 27.07.2023 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 this order. The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of this order.



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

18.08.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
rka/mkn-ii

To

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- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sriperumbudur Sub-Division,
Sriperumbudur - 602 105.
- 3.The Inspector of Police,
C1, Sriperumbudur Police Station,
Govinda Mettu Street, Katchipedu,
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- 4.The Public Prosecutor,
High Court, Madras.



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