



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.26073 of 2023

Balakumar

... Petitioner

Vs.

- 1.The Commissioner of Police,
Greater Chennai,
Veppery, Chennai – 600 007.
- 2.The Additional Commissioner of Police,
Greater Chennai,
Veppery, Chennai – 600 007.
- 3.The Joint Commissioner of Police,
South Zone,
Police Office Street, Binny Road,
Nazerthpuram, Gandhi Road, Nagar – 600 016.
- 4.The Deputy Commissioner of Police,
Mylapore Range,
E1 Mylapore Police Station, Chennai.
- 5.The Assistant Commissioner of Police,
Royapettah Range,
Royapettah, Chennai.
- 6.The Inspector of Police (L & O)
E2 Royapettah Police Station.
Royapettah, Chennai.

...Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing respondents to delete the name of the petitioner from the History Sheet list maintained by the 6th respondent police station as R1E2 P.S./2018.

For Petitioners : Mr.M.Rajavelu

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing respondents to delete the name of the petitioner from the History Sheet list maintained by the 6th respondent police station as R1E2 P.S./2018.

2.The case of the petitioner is that he is working in Indian Oil Corporation as Senior Foreman, Chennai. He submits that he is an active person in Indian Oil Corporation Welfare Union and he has been taking part in various promotional activities for the rights of the contract labours. He further submitted that three cases were foisted on him since he is active in unions for the welfare of the contract labours of Indian Oil Corporation. In the year 2009, the petitioner was implicated in S.C.No.3 of 2009 on the file of the Additional Sessions Court, FTC-V, Chennai, and the



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petitioner was implicated in another case in C.C.No.2729 of 2019 on the file of the IX Metropolitan Magistrate Court, Saidapet, Chennai, and one again, a case was registered against the petitioner in Crime No.1569 of 2017 on the file of F2 Egmore Police Station.

3.The further case of the petitioner is that in S.C.No.3 of 2009, petitioner was acquitted by the learned Additional Sessions Court FTC No.V, Chennai on 28.07.2009 and in C.C.No.2729 of 2019, the petitioner was acquitted by the learned IX M.M. Saidapet at Chennai on 26.04.2023 and the case in Crime No.1596 of 2017 was quashed by this Court in CrI.O.P.No.5128 of 2022 on 08.03.2022.

4.The grievance of the petitioner is that the 6th 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 12.07.2023 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, there shall be a direction to the 6th 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 CrI. 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 6th respondent along with a copy of this order.

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

05.09.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr

To

1. The Commissioner of Police,
Greater Chennai,
Veppery, Chennai – 600 007.



2.The Additional Commissioner of Police,
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Veppery, Chennai – 600 007.

3.The Joint Commissioner of Police,
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Police Office Street, Binny Road,
Nazerthpuram, Gandhi Road, Nagar – 600 016.

4.The Deputy Commissioner of Police,
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E1 Mylapore Police Station, Chennai.

5.The Assistant Commissioner of Police,
Royapettah Range,
Royapettah, Chennai.

6.The Inspector of Police (L & O)
E2 Royapettah Police Station.
Royapettah, Chennai.

7.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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