



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25324 of 2023

Thiruvengkatam

... Petitioner

Vs.

- 1.The Director General of Police,
Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
- 2.The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periamet, Chennai – 600 007.
- 3.The Inspector of Police,
J-3, Guindy Police Station,
Alandur Road, Guindy Industrial Estate,
SIDCO Industrial Estate, Guindy,
Chennai, Tamil Nadu 600 032.
- 4.The Inspector of Police,
J-7, Velachery Police Station,
1, Velachery Main Road, Velachery,
Chennai – 600 042, Tamil Nadu.

...Respondents



PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, to consider the representation dated 08.06.2022 and consequentially direct the respondents to pass appropriate orders for removal of the petitioner's name from the History Sheeter/Habitual Offender within a time frame prescribed by this Court.

For Petitioner : Mr.R.John Sathiyar
Senior Counsel for
Mr.V.Purushothaman

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondent to remove the name of the petitioner's name from the History Sheeter/Habitual Offender maintained by the 2nd respondent police by considering the representation made by the petitioner on 08.06.2022.

2.The case of the petitioner is that he is the Managing Director of the Mugundhan Projects Pvt. Ltd. He stated that there is no criminal case registered or pending against him. He further stated that various cases were registered against him by political vendetta and clout. Two FIRs were registered by the respondent police in



Crime Nos.1491 and 1524 of 2011 and both the FIRs have been closed as “Mistake of Fact”. Two other FIRs in Crime Nos.2044 and 2406 of 2011 were registered and investigation is pending since 2011. An FIR in Crime No.2063 of 2011 was registered which has culminated into C.C.No.2950 of 2020 before the learned XVIII Metropolitan Magistrate Court, Saidapet, and the case is pending in evidence stage.

3. Another FIR in Crime No.2806 of 2011 was registered which culminated into C.C.No.571 of 2021, in which trial was completed and the petitioner was acquitted from all the charges by the XV Metropolitan Magistrate Court, Saidapet and another case in Crime No.787 of 2020 was registered which culminated into C.C.No.988 of 2021, in which trial was completed and the petitioner was acquitted from all the charges by the IX Metropolitan Magistrate Court, Saidapet.

4. The grievance of the petitioner is that the respondents continue 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.P.C. The petitioner made a representation on 29.06.2023 to remove his name from the history sheet. Since the same was not considered, the present writ petition has been filed before this Court.



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

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the 3rd 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 this order. The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of this order.

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

28.08.2023

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

ssr



To

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- 5.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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