



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.26046 of 2023

Ganesh

... 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, pleaded to issue a Writ of Mandamus, to direct the 1st respondent to remove the name of the petitioner from the History Sheet No.2/2022 on the file of the 2nd respondent herein, by considering my representation dated 21.08.2023.

For Petitioners : Mr.M.P.Yuvaraj

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This writ petition has been filed for the issue of writ of Mandamus to direct the 1st respondent to remove the name of the petitioner from the History Sheet No.2/2022 on the file of the 2nd respondent herein, by considering my representation dated 21.08.2023.

2.The case of the petitioner is that he is working as a Driver in Krishna Road Tech at Sriperumbudur. In the year 2018, the 2nd respondent registered a case in Crime No.522 of 2018 for the alleged offences under Sections 147, 148, 149, 294(b), 302, 342 and 506(ii) of IPC and the petitioner was arrayed as A13. In the said case, charge sheet was laid and the case was pending for framing of charges in S.C.No.46 of 2020 before the learned Additional District Judge, Kancheepuram.

3.The further case of the petitioner is that he has been falsely implicated in the above case in the year 2018, based on the confession. Other than the above, no case has been registered against him. Since the trial also pending for framing of charges, the 2nd respondent herein opened the History Sheet in his name.



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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 21.08.2023 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 CrI. 585 and in *[Thirumurugan and another Vs. The Superintendent of Police, Madurai]* reported in 2020 2 LW crI 266 and pass appropriate orders, within a period of four



N.ANAND VENKATESH, J

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weeks from the date of receipt of a copy of 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.

05.09.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
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, Madras.

W.P.No.26046 of 2023