



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.26030 of 2023

L.Paramasivam

... Petitioner

Vs.

1.The Commissioner of Police,
Salem City,
Salem – 636 006.

2.The Inspector of Police,
Fairlands Police Station,
Salem City.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondents to consider the representation dated 04.08.2023 to remove the name of the petitioner from the History Sheet No.202 of 2021 within stipulated time.

For Petitioners : Mr.Swamisubramanian

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



WEB COPY

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation dated 04.08.2023 to remove the name of the petitioner from the History Sheet No.202 of 2021 within stipulated time.

2.The case of the petitioner is that he is working as a Driver. He engaged himself in Hindu Munnani and doing services to the temple. He stated that he belongs to SC Arunthathiyar Community and doing social works to his community people. He further stated that History Sheet was mistakenly opened against him and after verifying the case records it was dropped during the year 2006.

3.The further case of the petitioner is that due to election motive and at the instance of Councilor of ruling party, the 2nd respondent registered a case in Crime No.1205 of 2020 for the alleged offences under Sections 75(1)(c) of TN City Police Act, 1888 without any intimation. The 2nd respondent registered another case on 15.02.2021 in Crime NO.123 of 2021 for the alleged offences under Section 75(1)(c) of TN City Police Act, 1888 against him and the same was also



not intimated to him and on the same day, the 2nd respondent police registered another case in Crime No.124 of 2021 for the alleged offences under Section 147, 341, 353, 225 of IPC. He submitted that on account of the above cases, a history sheet was opened in the name of the petitioner in H.S.No.202 of 2021. He further submitted that he has not been arrested nor remanded under any of the cases stated *supra*.

4.The grievance of the petitioner is that, though he is not a habitual offender, 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.P.C. The petitioner made a representation on 04.08.2023 to remove his name from the history sheet. Since the same was not considered, the present writ petition has been filed before this Court.

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 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 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.

6.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,
Salem City,
Salem – 636 006.

2.The Inspector of Police,



Fairlands Police Station,
Salem City.

WEB COPY

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



N.ANAND VENKATESH, J

SSI

W.P.No.26030 of 2023

05.09.2023