



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27660 of 2023

Korada Sathik (a) Jagbar Sathik

... Petitioner

Vs.

1.The Superintendent of Police,
Nagapattinam Distirct,
Nagapattinam.

2.The Sub-Inspector of Police,
Nagoor Police Station,
Nagoor,
Nagapattinam Distirct.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation dated 28.08.2023 made by the petitioner for remove his name in the list of history sheet rowdies, H.S.No.545/2010, maintained by respondent No.2.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

WEB COM

This writ petition has been filed for the issue of writ of Mandamus directing the respondent police to remove the name of the petitioner from the history sheet in H.S.No.545/2010 maintained by the 2nd respondent by considering the representations made by the petitioner.

2.The case of the petitioner is that he had received an order in M.C.No.182/2023/a3 dated 27.07.2023 issued by the Executive Magistrate and Sub-Collector, Nagapattinam, Nagapattinam District through respondent police. The order disclosed that he had involved in two cases in Crime No.133 of 2015 and Crime No.346 of 2014. The order further stated that based on the above said two cases, respondent police has opened a history sheet in his name in H.S.No.545 of 2010.

3.The further case of the petitioner is that, after completing the investigation in Crime No.346 of 2014, charge sheet was filed and the case was taken up for trial in S.C.No.101 of 2019 and after conducting the trial, petitioner was acquitted from all the charges by the Sessions Court on 13.11.2019 and another case in Crime No.133 of 2015 is still under investigation. In spite of the above situation, the respondent Police has initiated proceedings under Section 110 of Cr.P.C. and the Executive Magistrate and



Sub-Collector, Nagapattinam, Nagapattinam District has sought for explanation.

Further the petitioner has been vehemently treated as History Sheeter in the records of the 2nd respondent. Hence, the petitioner made a representation dated 28.08.2023 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 representations 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 4th respondent along with a copy of this order.



N.ANAND VENKATESH, J

SSR

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

21.09.2023

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

To

1. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
2. The Sub-Inspector of Police,
Nagoor Police Station,
Nagoor,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

W.P.No.27660 of 2023