



WEB COPY



W.P.No.33965 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.33965 of 2024
and
W.M.P.No.36780 of 2024

A.Rajini

... Petitioner

Vs.

1. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
2. The Deputy Superintendent of Police,
Tiruvannamalai Town Sub Division,
Tiruvannamalai District.
3. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai Town,
Tiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the impugned order of the 2nd respondent dated 03.01.2005 and quash the same and further direct the third respondent not to disturb the peaceful life of the petitioner in any manner without due process of law.



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For Petitioner : No appearance

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Certiorarified Mandamus, to call for the impugned order of the 2nd respondent dated 03.01.2005 and quash the same and consequently direct the third respondent not to disturb the peaceful life of the petitioner in any manner without due process of law.

2. Learned counsel for the petitioner submitted that the third respondent/Police registered a false case in Crime No.705 of 2019 under Section 151 Cr.P.C. r/w Section 7(1) CLA Act against the petitioner and also submitted a proposal to the second respondent for opening History Sheet against the petitioner. Without verifying or granting opportunity to the petitioner, the second respondent by order dated 03.01.2005, granted approval for opening the History Sheet against the petitioner. Therefore, the petitioner has given a representation dated 29.08.2019 to the first

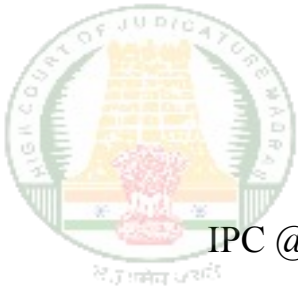


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respondent for cancelling the order of the second respondent. Since there was no response from the respondents, the present writ petition has been filed.

3. Learned Additional Public Prosecutor appearing for the respondents-Police, by referring to the counter affidavit filed by the third respondent submitted that the petitioner is a History Sheeter. Since the petitioner/accused is continuously acting in a manner prejudicial to the public peace and tranquillity, as per the directions of the second respondent/Police, Rowdy H.S.No.551 of 2005 was opened and it is still maintained by the third respondent police. He further submitted that in order to maintain peace among the locality and also to maintain smooth law and order situation, this Court permitted the respondents/Police to maintain Rowdy H.S.No.551 of 2005 against the petitioner/accused.

4. It is seen from the records that apart from the ground case, two more cases are pending against the petitioner i.e., (i) Crime No.1139 of 2021 for the offences under Section 399 IPC and (ii) Crime No.429 of 2003 for the offences under Sections 147, 294(b), 307, 323, 341 and 448



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IPC @ Sections 147, 294(b), 302, 307, 323, 341 and 448 IPC.

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5. Considering the nature of the offences, this Court is of the view that the impugned order passed by the third respondent is liable to be quashed. However, the Probation Officer, Tiruvannamalai District, is directed to monitor the activities of the petitioner for a period of six months and file a report before the jurisdictional Magistrate.

6. In view of the above, this Writ Petition is allowed and the impugned order dated 03.01.2005 passed by the second respondent is hereby set aside. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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Tiruvannamalai District,
Tiruvannamalai.
2. The Deputy Superintendent of Police,
Tiruvannamalai Town Sub Division,
Tiruvannamalai District.
3. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai Town,
Tiruvannamalai District.
4. The Probation Officer,
Tiruvannamalai.
5. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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