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W.P.No.12176 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.12176 of 2024

R.Viji

.. Petitioner

vs

1.The Home Secretary
Government of Tamil Nadu
Chennai – 600 009.

2.The State Rep. By its
Deputy Commissioner of Police,
City Police Commissionerate,
Chennai City Police,
Paranimalai District,
Chennai – 600 016.

3.The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai – 600 073.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent to 3rd respondent to pass appropriate order of removing the petitioner name from the Rowdy History Sheet bearing No HS/08/2016.

For Petitioner : Mr.R.Krishna Kumar

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader
for R1
Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
for R2, R3



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ORDER

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The petitioner seeks a mandamus directing the closure of the history sheet in his name and removal of his name from rowdy history sheet no HS/08/2016. The petitioner had been implicated in Crime No. 1352 of 2011, which was taken for trial in S.C.No.195 of 2013 on the file of Assistant Sessions Judge, Tambaram, Chennai. He was acquitted under Section 235(1) CrPC on 26.10.2021.

2. He claims that there is no criminal case that was registered after 2013. His name has been included in the history sheet by the S-15 Selaiyur Police Station in 2016. The petitioner relies on an order passed in *Thirumagan and another v The Superintendent of Police, Madurai District and others* [W.P.(MD) No.21040 of 2018 dated 03.07.2020] and concerned Standing Orders to pray for removal of his name from the history sheet.

3. Learned counsel appearing for the respondents would accede to the position that representation has been received from the petitioner in 2023 seeking removal of his name from the history sheet.

4. This Court has also perused order passed in *Thirumagan's* case relating to the closure of history sheets as well as the concerned Standing Order of Tamil Nadu Police Standing Orders, specifically Order No. 748 dealing with Dis-continuance of history sheets, which states that the history sheet must be closed within two years of registration in that sheet.

5. In the present case though that petitioner is alleged to have



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committed a crime in 2011, the registration was done only in 2016. With the acquittal of the petitioner in 2021, the respondents ought to have closed the history sheet without awaiting any requisition in this regard since that is the import of Standing Order No.748.

6. Be that as it may, the petitioner has also made a representation in 2023 itself which is still stated to be in process. In light of the admitted position that there is no record of crime after 2013 and in any event after 2021, when the petitioner has been acquitted, this Court finds no justification whatsoever for retention of name of the petitioner in the rowdy history sheet No. HS/08/2016. Mandamus is hence issued directing the respondents to do needful and pass orders removing the name of the petitioner, within a period of two weeks from today.

7. Writ petition stands allowed in terms of this order. No costs.

18.06.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

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DR. ANITA SUMANTH,J.

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