



W.P(MD)No.2533 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN, J.

W.P(MD)No.2533 of 2020

U.Mohamed Ali Jinnah

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Alagar Kovil Main Road,
Madurai City.

2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police (L&O),
Town Range,
South Chitrai Street,
Madurai City.

3.The Inspector of Police,
Office of the Inspector of Police,
B-1, Vilakuthoon Police Station,
Madurai City.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of impugned order dated 21.11.2019 passed by the third respondent and quash the same as illegal.



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For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed seeking quashment of the impugned order passed by the third respondent in C.No.110 / PG - DCP-L&O / ACT / L&O / MC /19, dated 21.11.2019.

2. The learned counsel appearing for the petitioner submitted that in the year 1999, the petitioner was doing social service in his locality. Due to which, the police officials got enmity against him and foisted a false case against him in Crime No.1180 of 1999 for the offences punishable under Sections 147, 148, 332 and 307 of IPC. Thereafter, in the year 2003, they foisted cases in Crime No.478 of 2003 and Crime No.479 of 2003 for the offence punishable under Section 394 of IPC. Thereafter, in the year 2012, they foisted another case in Crime No.10 of 2012 for the offence punishable offence under Section 160 of IPC. Insofar as the Crime No.1180 of 1999 and Crime Nos.478 & 479 of 2003 are concerned, the petitioner was acquitted by the Courts below. Insofar as the Crime No.10 of 2012 is concerned, he filed a quash



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petition in CrI.OP(MD)No.1059 of 2012 and the same was allowed by this Court on 27.09.2012. However, in order to spoil the good name of the petitioner, the third respondent opened a History Sheet in H.S.No.458 of 1999 against him. In order to remove his name from the History Sheet, the petitioner filed WP(MD)No.23436 of 2019 before this Court. This Court, by its order dated 06.11.2019, disposed of the case by directing the petitioner to submit a representation before the third respondent and directing the third respondent to consider the petitioner's representation and pass appropriate orders on merits and in accordance with law. As per the direction of the Court dated 06.11.2019, the petitioner made a representation to the third respondent on 21.10.2019 and the same was rejected vide impugned order dated 21.11.2019. Aggrieved over the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner further submitted that though the third respondent foisted a number of cases against the petitioner on various occasions, some of the cases were ended in acquittal and some of the cases were quashed by this Court. Though the rejection order was passed in the year 2019, for the past four years, the petitioner did not commit any offence. Hence, he prayed for allowing this petition.



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4. The learned Additional Public Prosecutor appearing for the State submitted that as per direction of this Court, dated 06.11.2019, the third respondent considered the petitioner's representation and rejected the same on the ground that on that year also, the petitioner has also involved in a case in Crime No.62 of 2019. Further, even till now, the day-to-day activities of the petitioner is watching by the various police departments of State Government and Central Government i.e., SIU, SIC, SB-CID and NIA since the petitioner is a active person to induce the muslim youngsters to act against other religions. Hence, he vehemently objected to allow this petition.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

6. This Court is of the considered view that mere watching the activities of the petitioner by the various police departments of the State Government as well as the Central Government is not a ground to open History Sheet against the petitioner. Further, it is the admitted fact that in the criminal proceedings pending against the petitioner, in most of the cases, he was acquitted and some of the cases were quashed by this Court.



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7. In view of the above, the impugned order passed by the third respondent in C.No.110 / PG - DCP-L&O / ACT / L&O / MC /19, dated 21.11.2019, is hereby set aside and the Writ Petition stands allowed. No costs.

02.04.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
dss

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3. The Inspector of Police,
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B-1, Vilakuthoon Police Station,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN, J.

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