



WP(MD) No.5841 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **25.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.5841 of 2024

Pandikannan

... Petitioner

/vs./

1.The Commissioner of Police,
Commissioner Office,
Madurai.

2.The Inspector of Police,
C2, Subramaniyapuram Police Station,
Madurai.

3.The Inspector of Police,
Thiruparangundram Police Station,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to remove the petitioner's name from history sheet opened in H.S.No.4 of 2017 on the file of the second respondent police within a stipulated time that may be fixed by this Court on the basis of representation given by the petitioner dated on 05.02.2024 and 24.02.2024.

For Petitioner : Mr.S.Sivaprakash



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For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

When the case came up for hearing on 13.03.2024, this Court passed the following order:

“The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition for issuance of Writ of Mandamus, seeking direction against the Respondents to remove the name of the Petitioner from the history sheet opened in H.S.No.4 of 2017 on the file of the second Respondent Police, by considering the Petitioner's representation dated 05.02.2024 and 24.02.2024.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner did not have any cases recently. Earlier, the Petitioner filed Criminal Original Petition in CrI.O.P.(MD).No.1964 of 2024 seeking direction against the Respondent Police not to harass him under the guise of enquiry and this Court vide order dated 08.02.2024 allowed the petition and the learned Government Advocate (Criminal Side) in the aforesaid Criminal Original Petition stated that only three cases were registered against the Petitioner, out of which two cases convicted and one case is disposed of. Subsequently, the Petitioner filed this petition



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seeking to remove his name from the history sheet maintained by the Respondent Police.

3. The learned Government Advocate (Criminal Side) seeks time to file detailed counter.

4. At request of the learned Government Advocate (Criminal Side), post the case on 20.03.2024 by 2.15 p.m. as "part-heard cases".

2. Today, when the matter was taken up for hearing, the learned Government Advocate (Criminal Side) had filed counter and vehemently objected to remove the name of the Petitioner in the history sheet on the ground that four cases are pending against the Petitioner herein and the same is extracted hereunder:

Sl. No.	Case Details	Offence under Section	Name of the Police Station	Result of the case
1.	Crime No. 956/2013	110(e) of Cr.PC	C3 S.S.Colony Police Station	Disposed. (bond executed)
2.	Crime No. 714/2017	379 of IPC @ 379 r/w 34 of IPC	C2, Subramaniyapuram Police Station	Disposed. Pleads guilty and paid the fine Rs.1000 JM IV Court, Madurai, Date: 09.03.2019.



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3.	Crime No. 703/2017	379 of IPC @ 379 r/w 34 of IPC	C2, Subramaniyapuram Police Station	Disposed. Pleads guilty and paid the fine Rs.1000 JM IV Court Madurai, Date: 11.09.2021.
4.	Crime No. 14/2016	379 of IPC	Thiruparangundram Police Station	Disposed. Pleads guilty and paid the fine Rs.500 JM VI Court, Madurai, Date: 12.11.2016.

3. Considering the fact that no fresh case has been registered against the Petitioner and while viewing the tabular column extracted supra, the history sheet maintained against the Petitioner which are of the year 2013, 2016 and 2017, this Court is of the view that retention of the name of the Petitioner in the History Sheet maintained by the Respondent Police is illegal.

4. Therefore, the Respondent Police, is directed to remove the name of the Petitioner from the record of History Sheet in H.S.No.4 of 2017 on the file of the second Respondent forthwith.



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5. With the above direction, this Writ Petition is disposed of. No costs.

25.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Nsr

TO:

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Madurai.
- 2.The Inspector of Police,
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- 3.The Inspector of Police,
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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.5841 of 2024

Dated:
25.03.2024