



WEB COPY



W.P.(MD)No.6659 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.6659 of 2024

B.Kannan

: Petitioner

Vs.

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

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai Town, Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to remove the petitioner's name from the history sheet maintaining on the file of the second respondent in H.S.No.71 of 2003 by considering the petitioner's representation, dated 21.02.2024 within the time framed by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioner has filed this petition seeking a direction to remove the petitioner's name from the history sheet maintained by the second



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respondent in H.S.No.71 of 2003 by considering the petitioner's representation dated 21.02.2024.

2.The petitioner is a painter. Before 20 years, he was implicated in a bicycle theft case and thereafter, he was not involved in any of the cases whatsoever. This being so, the petitioner has been recently harassed by the second respondent calling for enquiry and detained. The petitioner recently underwent surgery for his heart ailment and he is taking treatment regularly. In that circumstances, the second respondent knocking the petitioner's door at odd hours frequently and the house owner forced the petitioner to vacate the premises. The second respondent has not followed any of the rules and procedures contemplated under the Police Standing Orders in maintaining the history sheet. In this case, the petitioner's threat to safety had not been reviewed and no review order has been passed. The petitioner is citing as History Sheeted Rowdy in H.S.No.71 of 2003 and he is constantly harassed. Hence, the petitioner sent a representation to the first respondent on 14.02.2024 and thereafter, no action has been taken. Hence, this petition.

3.The learned Additional Public Prosecutor submitted that the petitioner is a cycle lifter and he has several cases of theft in various parts



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of Anna Nagar. He further submitted that the petitioner is regularly involved in a criminal case, for which, the history sheet has been opened against the petitioner in H.S.No.71 of 2003. Thereafter, the second respondent police for some reason had not made representation for renewal with the higher authorities and hence, the history sheet has not been recalled. He fairly submitted that for the past 14 years, the petitioner has not come and given any adverse notice to the respondents.

4.In view of the same, this Court has no reason to justification in detaining the petitioner. Hence, this petition is allowed and the respondents are directed to remove the petitioner's name from the history sheet in H.S.No.71 of 2003. No costs.

05.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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M.NIRMAL KUMAR,J.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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