



W.P.No.26045 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED :13.02.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26045 of 2024

N.Palani @ Jayasankar,
S/o.Narayanasamy (Age 48),
No,52, Main Road,
Vizhidiyur, Niravi Commune Palayam,
Karaikal, Pondicherry. ... Petitioner

/versus/

1.The Superintendent of Police,(South)
Karaikal,
Puducherry.

2. The Station House Officer,
Niravi Police Station,
Niravi, Karaikal,
Puducherry. ... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to remove the name of the petitioner from History Sheet which is being maintained by the 2nd respondent and pass orders.

For Petitioner : Mr.Prakash Adaiapadam
For Respondents : Mr.K.S.Mohandass,
Public Prosecutor, (Pondy).



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ORDER

This petition has been filed seeking to issue Writ of Mandamus, directing the respondents to remove the name of the petitioner from History Sheet which is being maintained by the 2nd respondent.

2. The learned counsel appearing for the petitioner would submit that the petitioner is doing cable T.V operation business and PWD contract works and the second respondent had registered a false case as against the petitioner. Thereafter, in order to wreck vengences, plenty of criminal cases have been foisted as against the petitioner. In continuation, in order to harass the petitioner and to restrict his movements, at the instigation of the superior officers in the Police Department, History Sheeted Rowdy Book was opened at the second respondent police station and the petitioner was compelled to attend the police station in the pretext of enquiry in a routine manner. In this regard, the petitioner had already made several representations to delete the History Sheet, but the respondents have not yet considered till date. Therefore, he sought for allowing the writ petition.



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3. The learned Public Prosecutor (Pondicherry) appearing for the respondents submitted that the petitioner is an habitual offender indulging in rowdy activities, extortion, katta panchayats, etc. Hence, History Sheeted Rowdy Book was opened at the second respondent police station as against the petitioner and it is being expanded regularly as per the Police Standing Order. Therefore, he prays to dismiss the writ petition.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. In this regard, the writ petition has been dealt with by the Madurai Bench of this Court and detailed order has been passed in W.P.(MD)No.21040 of 2018 etc., batch cases in ***Thirumagan & P.Madasamy -vs- Superintendent of Police, Madurai***, dated 03.07.2020. On the basis of the above said Order, the Director General Of Police, Puducherry issued a standing order No.04/DGP/SECY/2017-74, dated 25.07.2020, which reads as follows :-

i. The History Sheet cannot be retained merely on the ground that (a) the investigation agency has not filed any Final Report or (b) where the case is pending trial beyond two years time as provided.



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ii. The History Sheet cannot be retained for a period of more than two years unless a fresh case is registered (which may be either under investigation or pending trial in the Court), subsequent to the case/cases which necessitated opening of the History Sheet.

iii. Where no subsequent case is registered, a former convict should not be tinted as a suspect.

iv. In reckoning the number of cases for treating a person as habitually given to commit a crime, cases where (a) the investigation agency has dropped a case, or (b) where the FIR was dosed under Sec. 468 Cr.P.C by the Court, which is empowered to take cognizance of an offence on a Police report, or (c) where a history sheeter has been discharged or acquitted by a competent Court, and/or (d) quashed by the Hon'ble High Court or the Hon'ble Supreme Court shall not be included. However, those cases where the investigation or trial is pending, they can be reckoned. This direction has no application to National Registry for Sexual Offenders, maintained under the Criminal Law Amendment Act, 2018.



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v. Where cases are registered in connection with a citizen participating in any peaceful protest, agitation or demonstration or the like. History Sheet should not be opened unless an order is passed by the Executive Magistrate under Section 107 or 110 Cr.P.C. This is not available to non-citizens. It is clarified that if any other offence alleging violence or damage of property or threat to personal safety or life of other citizens is also involved, the directions given herein is not applicable.

7. In view of the above circular issued by the Director General of Police, Puducherry, this Court is inclined to pass the following orders :-

(i) The petitioner is directed to submit a fresh representation before the respondents within a period of two weeks from the date of receipt of a copy of this Order.

(ii) On receipt of such representation, the Superintendent of Police, (South) Karaikal, Puducherry is directed to consider the representation, in view of the direction issued by this Court and pass orders on merits within the period of twelve weeks from the date of the receipt of the representation.



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8. With the above directions, the writ petition is allowed. There shall be no order as to costs.

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Index : Yes/No.
Neutral Citation : Yes/No.
bsm

To:-

- 1.The Superintendent of Police,(South) Karaikal, Puducherry
2. The Station House Officer, Niravi Police Station, Niravi, Karaikal, Puducherry.
- 3.The Public Prosecutor, (Pondy), High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN,J.

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