



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 34267 of 2023



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N.Jegan
S/o Natarajan,
132, Pillaiyar Koil Street,
Ko. Pudupettu Village,
Karapattu Post, Chengam Taluk,
Tiruvannamalai District

Petitioner(s)

Vs

1.The Superintendent Of Police
Tiruvannamalai, Tiruvannamalai District

2. The Deputy Superintendent Of Police
Chengam Sub Division, Chengam, Tiruvannamalai District 606 752

3. The Inspector Of Police
Pudupalayam Police Station, Pudupalayam, Tiruvannamalai District.

4. The Inspector Of Police
Tiruvannamalai East Police, Tiruvannamalai District

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the second respondent vide his proceedings in Na.Ka.No.15, Thu.Kaa.Ka/Chengam/2021 dated 03.03.2021 and quash the same.

For Petitioner(s):

B.Jawahar

For Respondent(s):

K.M.D.Muhilan Government Advocate (Criminal Side)



ORDER



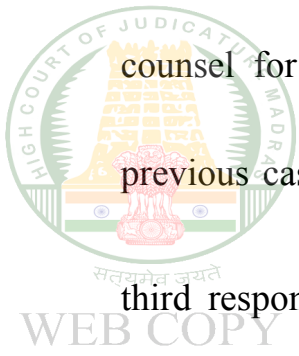
This Writ Petition has been filed challenging the order dated 03.03.2021 on the file of the second respondent whereby, he ordered to open the Rowdy History Sheet against the petitioner and his family members.

2. There is a dispute between the petitioner's family and one Mr. Palani with regard to a house site. While so, on 23.01.2021, the said Palani along with his family members attacked the petitioner and his family members. Therefore, the petitioner's family members lodged a complaint before the third respondent, but the third respondent failed to register the complaint. On the other hand, for the very same incident, complaint lodged by the counter -part Bharani, the third respondent registered an FIR in crime no.19 of 2021 for the offences under Sections 149, 147, 294(b), 323, 324, 506(i) IPC. That apart on the very same day, the said Palani has also lodged a complaint before the 4th respondent, alleging that the petitioner and his family members attacked him. Based on the same, the 4th respondent registered an FIR in crime no.32 of 2021, for the offences under Sections 294(b), 324, 506(ii) IPC. In pursuant to the registering of FIR, now the second respondent had opened History sheet against the petitioner and his family members separately.

3. On perusal of the counter filed by the Inspector of Police, Chengam Circle,

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Tiruvannamalai District and also on considering the submissions made by the learned



counsel for the petitioner, revealed that the petitioner so far has been involved in several previous cases. In so far as the FIR registered in crime no.19 of 2021 on the file of the third respondent and the FIR registered in crime no.32 of 2021 on the file of the 4th respondent against the petitioner, are pending for investigation. Even in the year 2013 and 2020, the petitioner was involved in similar offences and he was acquitted by the trial Court. He was also involved in another case in crime no.330 of 2021 on the file of the Inspector of Police, Pudupalayam Police Station, Tiruvannamalai District, the third respondent herein. The learned counsel for the petitioner submits that the registration of number of cases is not the criteria to open History Sheet for the accused.

4. In the present case, History Sheet has been opened after considering the petitioner's character and his involvement in the offence as against the Society and in the manner prejudicial to the public peace and tranquility. As stated supra, on the very same day that too by the very same complainant, two complaints were lodged as the petitioner was attacked by the Palani and his family before the 3rd and 4th respondents. The nature of the occurrence only differs and the allegations are one and the same in two different scenes of crime. On registering the FIR, the second respondent had opened the History Sheet as against the petitioner and all his family members on the very same day namely on

03.03.2021 and they were given History Sheet nos.12, 16.



5. That apart, on a perusal of the FIR, after resolving civil dispute between the

and the counter part family, he never involved in other offence as against the society and

there is no record to show as the act of the petitioner is prejudicial to the public peace and

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tranquility. In order to satisfy the counter part parties, he belongs to a opposite party, it

appears that the second respondent now passed the order to open the History Sheet against

the petitioner.

6. In view of the above, the order passed by the second respondent cannot be sustained and

liable to be quashed.

7. Accordingly, this Writ Petition is allowed and the impugned order of the second

respondent vide his proceedings in Na.Ka.No.15, Thu.Kaa.Ka/Chengam/2021 dated

03.03.2021 is quashed. No costs.

06-03-2025

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To

1. The Superintendent Of Police
Tiruvannamalai, Tiruvannamalai District

2. The Deputy Superintendent Of Police
Chengam Sub Division Chengam Tiruvannamalai District 606 752

3. The Inspector Of Police
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