

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Cr1.O.P.No.22658 of 2019

Sundar

...Petitioner

Vs

1.The Superintendent of Police,
Salem District,
Salem.

2.The Inspector of Police,
Attur Town Police Station,
Salem District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents to consider the petitioner's representation dated 08.08.2019 and consequently remove the petitioner's name from the History Sheet List vide HS.No.268/2011 on the file of the 2nd respondent police.

For Petitioners: Mr.M.Rajendiran

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The grievance of the petitioner is that a history sheet has been opened in the name of the petitioner illegally and that owing to the subsequent antecedents, the name requires to be removed from the history sheet. The decision to have the petitioner's name removed from the history sheet could fall within the purview of the Assistant Commissioner of Police and this Court by exercising its power under Section 482 of Cr.P.C cannot step into the shoes of the detaining authorities for the purpose of considering the petitioner request for removal of the name from the history sheet.

2.Nevertheless, if a direction is given to the concerned authority to consider the request of removal of the name from

the history sheet, the ends of justice would be secured. The learned counsel for the petitioner also relied upon the decision of this Court in W.P.No.1965 of 2018, etc., in the case of Sabari vs. Assistant Commissioner of Police, reported in 2018 LW (Cr1) 817. Yardstick has been given for consideration of such a request for removal of name in the history sheet. It would be appropriate that when the respondents consider such request of removal of name, this yardstick can be applied.

3. In the light of the above observations, the petitioner is granted liberty to approach the Assistant Commissioner of Police with the representation seeking for removal of his name from the history sheet maintained by the respondent police and on such a representation, the Assistant Commissioner of Police shall consider the same on its own merits and in accordance with law, as well as the observation made by this Court in this order and pass appropriate orders preferably within a period of four weeks from the date of receipt of such representation.

4. Accordingly, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

ms

To

1. The Superintendent of Police,
Salem District,
Salem.

2. The Inspector of Police,
Attur Town Police Station,
Salem District.

3. The Public Prosecutor,
High Court of Madras.

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MP(CO)
SP(06/11/2019)