

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.24966 of 2019

Shahul Hameed

.. Petitioner

Vs.

1. The Assistant Commissioner of Police,
Law and Order,
Triplicane.

2. The Inspector of Police,
Law and Order,
D2, Anna Salai Police Station,
Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to remove the name of the petitioner's name from the history sheet maintained on the file of the 2nd respondent by considering the petitioner's representation dated 07.08.2019.

For Petitioner : Mr.I.Abdul Basith

For Respondents : Mr.Iyyapparaj
Additional Public Prosecutor

ORDER

The grievance of the petitioner is that the 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 purview of the Assistant Commissioner of Police and this Court by exercising its power under Article 226 of Constitution of India 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 the such request removal of the 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 writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr/bri
To

1. The Assistant Commissioner of Police,
Law and Order,
Triplicane.
2. The Inspector of Police,
Law and Order,
D2, Anna Salai Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

A.SK(05/11/2019)

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