

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cr1.O.P.No.23187 of 2019

R.Rajkumar

.. Petitioner/Accused No.2

Vs.

1. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.
 2. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Adyar, Chennai - 20.
 3. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Saidapet, Chennai - 600 015.
 4. The Inspector of Police,
R6, Kumaran Nagar Police Station,
Chennai - 83.
- .. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to remove the petitioner's name from rowdy list register history sheet No.36/HS/R6PS/2011, which is maintained by the 4th respondent, based on the petitioner representation dated 13.08.2019.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.Iyyapparj.C.
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 criminal original petition is disposed of.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

ssr

To

1. The Commissioner of Police,
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Chennai - 600 007.
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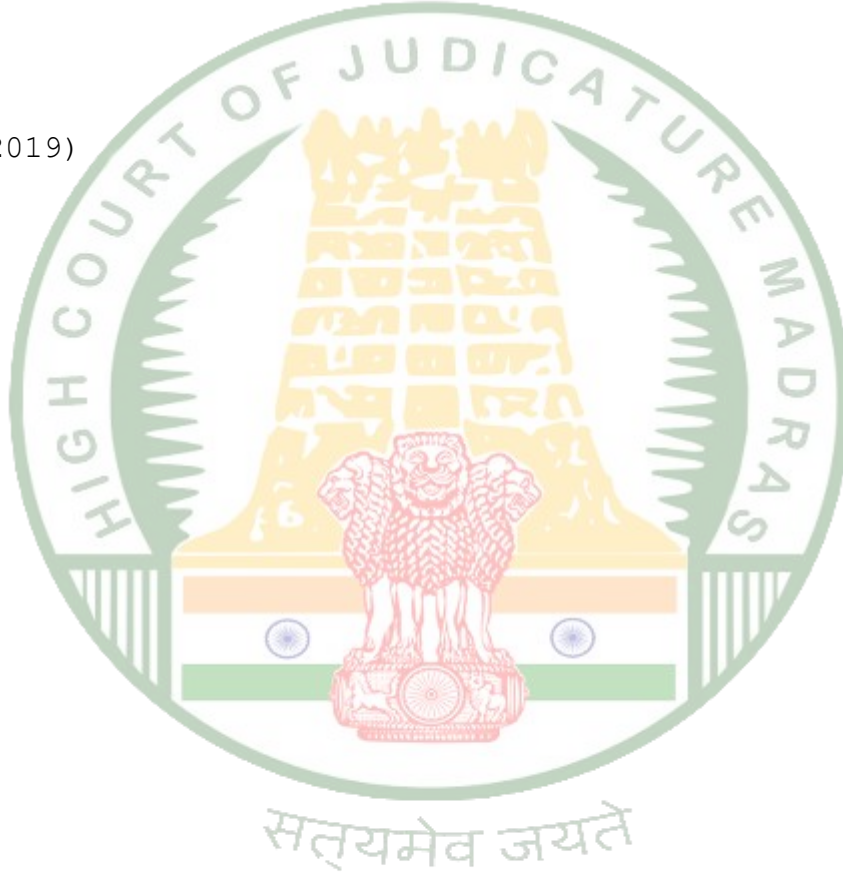
4. The Inspector of Police,
R6, Kumaran Nagar Police Station,
Chennai - 83.

5. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.Kannan, Advocate sr 83711.

Crl.O.P.No.23187 of 2019

MR(CO)
SP(17/10/2019)



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