

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cr1.O.P.No.23764 of 2019

N.Danaraj

.. Petitioner

Vs.

The State Represented by its

1. The Commissioner of Police,
Vepery,
Chennai - 600 007.

2. The Inspector of Police,
J-13, Taramani Police Station,
Taramani,
Chennai - 600 113.

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to remove the petitioner's name from the history sheet opened in his name in 16/HS/J13/2014 on the file of the 2nd respondent.

For Petitioner : Mr.S.Manoharan

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, Adayar 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, Adayar 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.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr/bri

To

1. The Commissioner of Police,
Vepery,
Chennai - 600 007.
2. The Inspector of Police,
J-13, Taramani Police Station,
Taramani,
Chennai - 600 113.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Manoharan, Advocate sr.81397

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rsv(co)
nr 05/11/2019



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