

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.27286 of 2019

Perarivalan @ Periyasamy ...Petitioner

Vs.

- 1.The Superintendent of Police,
Salem District,
Salem.
- 2.The Inspector of Police,
Gangavalli 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 30.09.2019 and consequently remove the petitioner's name from the History Sheet List vide HS.No.250/2016 on the file of the 2nd respondent police.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mrs.V.Saratha Devi
Government Advocate (Crl.Side)

सत्यमेव जयते
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 the purview of the Superintendent of Police and this Court, by exercising its power under Article 226 of the Constitution of India, cannot step into the shoes of the detaining authorities for the purpose of considering the petitioner's request for removal of name from the history sheet.

2. Nevertheless, if a direction is given to the concerned authority to consider the request for removal of the name from the history sheet, the ends of justice would be secured. The learned counsel for the petitioner also relied upon a 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 for 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 Superintendent of Police with a representation seeking for removal of his name from the history sheet maintained by the 1st respondent police and on such a representation, the Superintendent 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, the Criminal Original Petition stands ordered.

Sd/-
Asst.Registrar (CJ conf)

/true copy/

Sub Asst. Registrar

jas/hvk
To

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

2.The Inspector of Police,
Gangavalli Police Station,
Salem District.

3.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.27286 of 2019

ssd(co)
aa11/11/2019