

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.30301 of 2019
and
W.M.P.No.30284 of 2019

R.Perumal ... Petitioner

Vs.

1.The Superintendent of Police,
Salem District, Salem - 636 002.

2.The Inspector of Police,
Thalaivasal Police Station,
Thalaivasal, Salem District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to remove the petitioner's name from the rowdy list in H.S.No.139 of 1996 maintaining by the 2nd respondent in the 2nd respondent police station.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

The grievance of the petitioner is that the history sheet has been opened in his name illegally and that owing to the subsequent antecedents, the name requires to be removed from the history sheet.

2. 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.

3. 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.

4. 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.

5. In the light of the above observations, the petitioner is granted liberty to approach the 1st respondent/Superintendent of Police with a representation seeking for removal of his name from the history sheet maintained by the 2nd 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.

6. Accordingly, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
Salem District, Salem - 636 002.

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

3.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.C.Prakasam, Advocate Sr.88548

W.P.No.30301 of 2019
and
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BS(CO)
srg 22/11/2019