

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cr1.O.P.No.30015 of 2019

M.Karuppaiah

...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 1st respondent to consider and pass order on the basis of the representation of the petitioner dated 28.09.2019 in accordance with law and direct the 2nd respondent to remove the petitioner name of Karuppaiah, son of Muthukaruppan from the History Sheet H.S.No.249 of 1997 on the file of 2nd respondent herein.

For Petitioner : Mr.A.Ramesh

For Respondents : Mr.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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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.

AKM/03.12.19/2P-4C /

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