

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cr1.O.P.No.30818 of 2019

Devakumar @ V.J.Deva

...Petitioner

Vs.

1.The State, rep by
Superintendent of Police,
Vellore District,
Vellore.

2.The Inspector of Police,
Virudampattu Police Station,
Vellore District.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondents to consider the representation of the petitioner dated 11.11.2019 and direct the 2nd respondent to remove the name of the petitioner from the History Sheet in Crime No.92 of 2018 in Crime No.471 of 2018.

For Petitioner : Mr.R.Sankarasubbu

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/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

jas/hvk

To

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

2.The Inspector of Police,
Virudampattu Police Station,
Vellore District.

3. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.S.R.Sankarasubbu Advocate sr95916

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