

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.30848 of 2019

Rameshkumar

...Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Nagapattinam.

2.The Inspector of Police,
Vellankanni Police Station,
Nagapattinam.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondents to remove the petitioner's name from History Sheet in H.S.No.372 of 2019 maintained by the 2nd respondent.

For Petitioner : Mr.J.Jawahar

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 (Crl) 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(CS III)

//True Copy//

Sub Assistant Registrar

jas/ssr

To

1.The Superintendent of Police,
Office of Superintendent of Police,
Nagapattinam.

2.The Inspector of Police,
Vellankanni Police Station,
Nagapattinam.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.J.Jawahar, Advocate Sr.95277

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srg 04/12/2019

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