

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.33211 of 2019

and

W.M.P.Nos.33667 & 33669 of 2019

S.Ambedkar

...Petitioner

Vs.

The Station House Officer,
P6-Kodungaiyur Police Station,
Chennai - 600 118.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari directing to call for the records in History Sheet C category Rowdies No.93 of 2018 dated 01.05.2018 on the file of the respondent, quash it as illegal.

For Petitioner : Mr.V.Raghavachari

For Respondent : 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 respondent herein 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 could 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 respondent 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 respondent herein with a representation seeking for removal of his name from the history sheet maintained by the respondent police and on such a representation, the respondent 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 Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

hvk/jas
To

1. The Station House Officer,
P6-Kodungaiyur Police Station,
Chennai - 600 118.

2. The Public Prosecutor,
High Court of Madras.

+2 CCS to Mr.V.Raghavachari, Advocate sr 99053

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NRL(CO)
SP(16/12/2019)