



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.923 of 2022

U.Boopathy

... Petitioner

Vs.

1.The State rep by its,
The Commissioner of Police,
Office of the Commissioner of Police,
Sankakiri road, lain medu, Salem City - 636 006.

2.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Annathanapatty, Salem City.

3.The Assistant Commissioner of Police,
Office of the Asst. Commissioner of Police,
Sooramangalam, Salem City.

4.The Inspector of Police,
B-9, Farelands Police Station,
Azhagapuram
Salem - 636 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, or any other appropriate WRIT or DIRECTION to the respondents to remove the name of the Petitioner namely Mr.U.Boopathy S/o. Udhayakumamr from the History Sheet in 197/2019 maintained by the Inspector of Police, Azhagapuram Police Station (herein 4th respondent) in pursuant to the representation of the petitioner dated 26.11.2021.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(The case has been heard through video conferencing)

This has been filed by the petitioner seeking for a direction, directing the respondents to remove the name of the Petitioner namely Mr.U.Boopathy S/o. Udhayakumamr from the History Sheet in 197/2019 maintained by the Inspector of Police,



Azhagapuram Police Station (herein 4th respondent) in pursuant to the representation of the petitioner dated 26.11.2021.

2.The grievance of the petitioner is that after 2018 there is no case registered against the petitioner and the case that was registered in the year 2019 in Crime No.149 of 2019 has been quashed by this Court in Crl.O.P.No.17567 of 2021 vide order dated 27.10.2021. the petitioner has not come into any adverse notice after 2018. For some reasons or other, the petitioner's name is still retained in H.S.No.197 of 2019. The petitioner sent representation to the competent authorities on 26.11.2021 and the same is yet to be considered. He further submitted that this Court in the case of Sabari @ Sabarigiri V. The Asst. Commissioner of Police reported in (2018) 4 MLJ (Crl.) 585 had given a guideline that opening of history sheet cannot be perpetual, it has to be recalled. However, so far in this case, after 2019 no case pending against the petitioner but H.S.No.197 of 2019 maintained by the respondent police is not recalled. No decision or reason to retain the same, accordingly, prays for appropriate orders.

3.Learned Additional Public Prosecutor submitted that the representation of the petitioner is not immediately available with him. Except the postal receipt produced to the Commissioner of Police, Salem, he has not given any proof of service.

4.In view of the above, the petitioner is directed to submit a copy of his representation dated 26.11.2021 to the Commissioner of Police, Salem. Thereafter, the Commissioner of Police, Salem to consider the representation made by the petitioner, dispose of the same by passing appropriate orders within a period of four weeks from the date of receipt of such representation dated 26.11.2021.

5.With the above direction, this Criminal Original petition stands disposed of.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Sankakiri road, lain medu,
Salem City - 636 006.



2.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Annathanapatty,
Salem City.

WEB COPY

3.The Assistant Commissioner of Police,
Office of the Asst. Commissioner of Police,
Sooramangalam,
Salem City.

4.The Inspector of Police,
B-9, Farelands Police Station,
Azhagapuram
Salem - 636 004.

5.The Public Prosecutor
High Court of Madras

+1cc to Mr.M.Mohamed Saifulla, Advocate, S.R.No.5450

W.P.No.923 of 2022

MG(CO)
SB(09/02/2022)