



2026:AHC:172286-DB

Reserved
A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 16953 of 2025

Satendra @ Dactar

.....Petitioner

Versus

State of U.P. and others

.....Respondents

Counsel for the Petitioner	: Harbansh Prasad Pandey
Counsel for the Respondents	: G.A.

Court No. - 2

HON'BLE J.J. MUNIR, J.

HON'BLE TARUN SAXENA, J.

(Delivered by Hon'ble J.J. Munir, J.)

1. Let this writ petition be de-tagged from Criminal Misc. Writ Petition No. 20611 of 2025, as we find that there are no common questions of facts and law involved, and both related to completely different history-sheets.

2. This writ petition is directed against the order dated 27.02.2020 passed by the Senior Superintendent of Police, Prayagraj, approving the opening of a B-Class history sheet against the petitioner as well as the history sheet opened on the basis of the said order, annexed as Annexure No.1 to the writ petition. The petitioner prays that the order of the Senior

Superintendent of Police, granting approval to the opening of a B-Class history sheet against him as well as the history sheet, be quashed.

3. The petitioner says that the Station House Officer, Police Station Meja, District Prayagraj, on 19.02.2020 submitted a report to the Circle Officer, Meja, District Prayagraj, proposing the opening of a history sheet against him. The Circle Officer, Meja, District Prayagraj, on the same date, recommended the matter to the Superintendent of Police, Yamunapar, District Prayagraj. The Superintendent of Police, Yamunapar, Prayagraj also recommended the opening of a history sheet against the petitioner on 19.02.2020 to the Senior Superintendent of Police, Prayagraj. The Senior Superintendent of Police, Prayagraj approved the opening of a history sheet by means of his order dated 27.02.2020. The petitioner has detailed his history of eight crimes registered against him, which is as follows:

“I. Case Crime No. 464A/2009, under Sections 323, 504, 506, 427, 452 IPC, Police Station Meja, District Prayagraj;

II. Case Crime No. 374/2012, under Sections 323, 504, 506, 427, 452 IPC, Police Station Meja, District Prayagraj;

III. Case Crime No.276/2013, under Sections 147, 323, 504, 506, 384, 427 IPC, Police Station Meja, District Prayagraj;

IV. Case Crime No.342/343/2013, under Sections 504, 308, 386, 503, 341 IPC, Police Station Meja, District Prayagraj;

V. Case Crime No. 361/2013, under Sections 3/4 of the Goondas Act, Police Station Meja, District Prayagraj;

VI. Case Crime No. 398/2013, under Sections 406, 504, 506 IPC, Police Station Meja, District Prayagraj;

VII. Case Crime No. 418/2015, under Sections 323, 504, 506 IPC Police Station Meja, District Prayagraj;

VIII. Case Crime No. 498/2015, under Sections 147, 148, 149, 302, 323, 504, 506 IPC and Section 7 Criminal Law (Amendment) Act, Police Station Meja, District Prayagraj.”

4. The petitioner says that on the basis of the impugned order passed by the Senior Superintendent of Police, Prayagraj dated 27.02.2020, a history sheet for the petitioner has been opened in

Class-B, bearing no. B-26, relating to Police Station Meja, District Prayagraj. It is the petitioner's case that he had no knowledge of the aforesaid history sheet opened by the respondents and came to know of the fact for the first time on 10.07.2025, when a Constable from Police Station Meja informed him about the opening of the impugned history sheet. The petitioner contacted the Station House Officer and requested him to provide papers relating to opening of the history sheet. It is in this manner that he was provided a photostat copy of the history sheet together with the endorsements of approval etc. carried thereon. It is next asserted by the petitioner that a perusal of the history sheet shows that the conduct of the petitioner has been under surveillance from 2020 to 2024. It is clearly mentioned there that in 2020, the history sheeter was found at home and is currently the Pradhan and active. He requires a surveillance. In the year 2021, the entry dated 28.08.2021 shows that the history sheeter lives in Naini and runs a school. He is inactive. On 15.07.2022, there is an entry to the effect that the history sheeter was found at home, he runs a school and is inactive. On 15.06.2023, there is an entry that the history sheeter was found at home, he runs a college and is inactive. In the year 2024, there is an entry dated 30.08.2024 that the history sheeter was found at home, he runs a college and is inactive.

5. About the eight cases, it is pointed out in paragraph nos. 10 to 17 of the writ petition that in Crime No. 464-A/2009, under Sections 323, 504, 506, 427, 452 IPC, a final report has been submitted after investigation on 05.09.2010. In three of the crimes, he has been granted bail – in two by the District Court and in one by this Court. The case registered under Section 3/4 of the Goondas Act at P.S. Meja, Prayagraj, is a case where no externment order has been passed. To our mind, under the Goondas Act, no crime can be registered. About Crime No.398/2013, under Sections 406, 504, 506 IPC, P.S. Meja,

District Prayagraj, it is to be noticed that the matter was compromised and the proceedings of the case have been stayed by this Court in an application under Section 482 Cr.P.C., being Application U/S 482 No. 44888 of 2024, *vide* order dated 15.01.2025.

6. So far as Crime No. 418 of 2015 is concerned, it is a case under Sections 323, 504, 506 IPC, registered at P.S. Meja, District Prayagraj, that mostly discloses non-cognizable offences. So far as Crime No. 498 of 2015, under Sections 147, 148, 149, 302, 323, 504, 506 IPC and Section 7 of the Criminal Law (Amendment) Act, P.S. Meja, District Prayagraj is concerned, a charge-sheet has been submitted by the Investigating Officer, but the petitioner has been exculpated. The contents of paragraph nos. 10 to 17 of the writ petition, where these assertions are made about the criminal cases, have not been denied in the counter affidavit, except the remark that these are matters of record.

7. The thrust of the petitioner's case is that the offences, which have been registered against the petitioner, are not within the mischief of Regulation 228 of the Uttar Pradesh Police Regulations (for short, 'UP Police Regulations') at all, so as to entitle them to open a history sheet in Class-B or even Class-A. The petitioner's case is that the offences disclosed against the petitioner do not place him in the class of offenders, where either a history sheet of Class-B or Class-A could be opened against him within the meaning of Regulation 228 of the UP Police Regulations. He submits that this is a case of an arbitrary exercise of power by the Police to open a history sheet in relation to crimes registered against the petitioner, which do not authorize surveillance after the opening of history sheet under the U.P. Police Regulations at all. In reply to paragraph nos. 19, 20 and 24 of the writ petition, where the case pleaded is that the offences registered against the petitioner do not fall within the ambit of

relevant cases, on the basis of which a history sheet in Class-B or Class-A might be opened under Regulation 228, all that is asserted is that the petitioner is a hardcore and nefarious criminal. He has several criminal cases registered against him. It is then said that his case was recommended by the Station House Officer, Meja for the opening of a history sheet, which went through the police hierarchy and met with the approval of the Senior Superintendent of Police, resulting in opening of the impugned history sheet no. B-26 against him.

8. It is asserted in paragraph no. 19 that the petitioner is involved in antisocial activities in the area and serious criminal cases are registered against him. It is in order to prevent his illegal activities and to keep an eye on him that the impugned history sheet has been opened on 27.02.2020. It is asserted that the Higher Authorities of the Police have given approval to the opening of the impugned history sheet on the basis of the criminal cases registered against the petitioner, which is just, legal and proper, and does not suffer from any kind of infirmity.

9. Heard Mr. Harbansh Prasad Pandey, learned Counsel for the petitioner and Mr. Deepak Mishra, learned Additional Government Advocate appearing on behalf of the State.

10. Regulations 228, 229 and 232 of the U.P. Police Regulations provide:

“228. History sheets, Part V of the village Crime Note Book- Part V consists of history sheets. These are the personal records of criminals under surveillance. History-sheets should be opened only for persons who are or likely to become habitual criminal or abettors of such criminals. There will be two classes of history-sheets :

(1) Class A history-sheets for dacoits, burglars, cattle-thieves, railway-goods wagon thieves, and abettors thereof.

(2) Class B history-sheets for confirmed and professional criminals who commit crimes other than dacoity, burglary, cattle-theft, and theft from railway goods wagons, e.g., professional cheats and other experts for whom criminal personal files are maintained by the Criminal Investigation Department, prisoners, cattle poisoners, railway passenger thieves, bicycle thieves, expert pick-pocket, forgers, coiners, cocaine and opium smugglers, hired ruffians and goondas, telegraph wire-cutters, habitual illicit distillers and abettors thereof.

History-sheets of both classes will be maintained in similar form, but those for class B will be distinguished by a red bar marked at the top of the first page. No history-sheet of class B may be converted into a history-sheet of class A, though should be the subject of a history-sheet of class B be found to be also addicted to dacoity, burglary, cattle-theft or theft from railway goods wagons. A class, as well as B class, surveillance may under paragraph 238 be applied to him. In the event of a class A history-sheet man becoming addicted to miscellaneous crime his history-sheet may be converted into a class B history-sheet with the sanction of the Superintendent.

229. Classification of history sheets- This classification of history-sheets as A and B is based on the principle that, whereas there is always hope of a dacoit, burglar, or cattle thief or railway goods wagons thief mending his ways, the expert miscellaneous criminal is as a general rule incapable of reform. The classification, therefore, solely on the kind of crime to which suspects are addicted and is designed to regulate only-

(1) the length of time for which a suspect should ordinarily remain, under surveillance in the absence of complaints against him,

(2) the kind of surveillance which his activities require.

The degree of surveillance of the appropriate kind to be exercised over a suspect will depend not on his classification, but on the extent to which he is believed to be active at any particular time.

232. Continuity of B-Class history sheets- History-sheet of B class will be continuously open records and the subjects of these sheets will except for every special reasons remain under surveillance until death. This being so it is unnecessary to 'star' suspects of this class."

11. The impugned history sheet, that has been opened against the petitioner, is a B-Class history sheet, which is essentially meant for confirmed and professional criminals, who commit crimes other than dacoity, burglary, cattle-theft, and theft from railway goods wagons. They would include professional cheats and expert criminals, for whom personal files are maintained by the Criminal Investigation Department (CID). They are enumerated to be prisoners, cattle poisoners, railway passenger thieves, bicycle thieves, expert pick-pockets, forgers, coiners, cocaine and opium smugglers, hired ruffians and goondas, telegraph wire-cutters, habitual illicit distillers and abettors of these crimes. The hallmark, therefore, of a subject against whom a history sheet of Class-B can be opened, is a professional criminal, who is beyond redemption. The fact that a man is aggressive by temperament and gets involved in different kinds of offences, assuming that these are true, would not qualify him as a professional or expert criminal, who is contemplated as the

subject of a B-Class history sheet under Regulation 228 of the UP Police Regulations.

12. The offences registered against the petitioner are all of diverse nature. The first of the crimes is under Sections 323, 504, 506, 427, 522 IPC, where a final report was submitted on 05.10.2009. It appears to be a cross case. The other is Crime No. 374 of 2012, again under Sections 323, 504, 506, 427, 452 IPC, where the petitioner has been admitted to bail by the Sessions Judge. The next is an offence, being Crime No. 276 of 2013, under Sections 147, 323, 504, 506, 387, 427 IPC, P.S. Meja, where too the petitioner had been enlarged on bail by the Sessions Judge. The next is an offence, giving rise to Crime No. 342 of 2013, under Sections 504, 308, 506, 386, 341 IPC, P.S. Meja, District Prayagraj, where the petitioner has been granted bail. In Case Crime No. 398 of 2013, under Sections 406, 504, 506 IPC, P.S. Meja, Prayagraj, a compromise has been entered into between parties, where this Court has stayed proceedings on an application made under Section 482 CrPC. Case Crime No. 418 of 2015 is the next offence under Sections 323, 504, 506 IPC, P.S. Meja, Prayagraj, which is apparently a petty offence, which the petitioner has described as non-cognizable, but later records shows that a charge-sheet has been filed in the said case. Crime No. 498 of 2015, under Sections 147, 148, 149, 302, 323, 504, 506 IPC and Section 7 of the Criminal Law (Amendment) Act, P.S. Meja, Prayagraj is a case where the petitioner has not been charge-sheeted, but exculpated. The fact is not denied that this crime does not appear to have been found proved by the Police against the petitioner.

13. Looking to the entire profile of cases, none of the offences are of a character which may place the petitioner in the category of a professional or expert criminal, like a pick-pocket, railway passenger thief, bicycle thief, cattle poisoner, professional cheat,

coiner, forger, a hired ruffian or goonda etc. It may show the petitioner, as already remarked, to be a man who lands himself in trouble, but there is nothing said in the counter affidavit too to show that professionalism in crime against the petitioner, which would attract the opening of a Class-B history sheet. We have to be mindful of the fact as we read Regulation 229 of the UP Police Regulations, that a subject, against whom a B-Class history sheet is opened, is considered beyond redemption and the history sheet remains alive against him until he is dead. Therefore, the nature of the crime committed by a person to qualify for being placed in a B-Class history sheet, is very different, and the offences that are mentioned there are tell-tale. This is certainly not the case with the petitioner. He is, by no means, an expert or professional criminal, though cases might have been registered against him time over again.

14. We also notice that the last crime recorded in the history sheet dates back to the year 2015. The history sheet has been opened in the year 2020 and the proposal was made in the year 2020. During those five years, the history sheet does not record any crime against the petitioner.

15. Represent 240 of the UP Police Regulations reads:

“240. History sheets of both classes when to be opened? History-sheets of both classes may be opened (1) on suspicion or (2) on conviction or acquittal. No history-sheet may be opened without the orders of the Superintendent of Police.

(1) *On suspicion.*- Whenever as a result of investigation into a case of dacoity, burglary, cattle theft from railway goods wagons or into a case of miscellaneous crime of a professional type, the officer-in-charge of a police station applies for the name of any person to be entered in the crime register as reasonably suspected, he must at the same time report whether the suspect is under surveillance, and if not, whether a history-sheet should in his opinion be opened for him. Should the gazetted officer-in-charge of a sub-division on receiving such a report and after such further inquiry as he may think necessary consider that a history-sheet is required, he will forward the report to the Superintendent who if he accepts the proposal will define the class of historysheet to be opened and pass orders as to whether the suspect should be ‘starred’. Similarly whenever an officer-in-charge of a police station finds reason to believe, otherwise than in the course of an investigation, that any resident of his circle is addicted to crime, or whenever a gazetted officer or circle inspector for any reason believes that a history-sheet for any person is necessary a report must be submitted to the Superintendent, who will pass orders on it as laid down above.

(2) *On conviction or acquittal.*- Whenever any person is sent for trial on a charge of dacoity, burglary, cattle theft or theft from a railway goods wagons or of miscellaneous crime of a professional type, the officer-in-charge of the police station must state in his diary whether accused has a history-sheet and if not, whether he recommends that a history-sheet should be opened for him. It will be the duty of the Public Prosecutor, if the accused is acquitted to inform the Superintendent, in his report on the acquittal or otherwise, whether in his opinion a history-sheet is required. On this the Superintendent will pass any orders to the station office that may be necessary. If the accused is convicted, the Public Prosecutor must, in the remarks column of the daily report of convictions and acquittals (Form No. 107) enter in red ink the words, 'On H.S.' if a history-sheet is already open, or the letters 'H.S.' if he recommends that one should be prepared. In either case he must prepare and attach to the daily report of convictions and acquittals a P.R. slip (Form No. 313). If a history-sheet is already open or if the Superintendent agrees that a history-sheet should be opened he will sign this P.R. slip and initial the letters 'H.S.' or 'On H.S.' on the daily report of convictions and acquittals. The Public Prosecutor will then communicate the Superintendent's orders for the opening of a history sheet to the police station concerned and will forward the P.R. slip to the Superintendent of Jail. If no history-sheet is opened and if the Superintendent does not agree that one should be prepared, he will not sign the P.R. slip, which will be cancelled.

If the accused is a resident of another district or State or has been sent for trial by the railway police, the same will be followed except that the Superintendent of Police will not order a history-sheet to be opened. If the accused is convicted and the Superintendent considers a history-sheet to be desirable the P.R. slip will be signed and sent to the Superintendent of Jail and the Superintendent of Jail shall furnish the Superintendent of Police with a receipt for the P.R. slip. In column 10 Form No. 148 (conviction roll) the Public Prosecutor will note in red ink that this has been done and in column 15 of the same form a note will be made recommending that a history-sheet should be opened : Any conviction roll on which a recommendation for the opening of history-sheet has been made must on receipt in the district of the convict's residence be put up before the Superintendent of Police of that district who will decide whether a history-sheet should be opened or not, and will address the Superintendent of Jail regarding the cancellation of the P.R. slip if he does not agree that a history-sheet is necessary. Notwithstanding anything in the above, the Superintendent of Police of any district in Uttar Pradesh shall subject to the final decision of the Deputy Inspector-General of the Range, to whom any question of disagreement must be referred, be bound to open a history-sheet at the request of the Superintendent of Government Railway Police for any person resident who is suspected or convicted of crime on the railway. The Superintendent, Railway Police, should specify the kind of surveillance required in each case.

In the case of persons, sent for trial by the Railway police, in which the Superintendent considers a history-sheet desirable, the Public Prosecutor will send Form No. 143 (conviction roll) endorsed, as directed above, to the Superintendent of the man's district, through the Superintendent, Railway Police.

The Superintendent, Railway Police, in forwarding Form No. 148 to the Superintendent of the district concerned will state whether he considers a history-sheet necessary. If not, he will request the Superintendent of the Jail to cancel the P.R. Slip."

16. It shows that history sheet is a matter of police surveillance in order to enable them to keep an eye on certain kind of criminals. These may be opened on suspicion or on conviction or even acquittal, but the rider is that no history sheet can be opened without the orders of the Superintendent of Police. This embargo

against the opening of history sheets, without the orders of the Superintendent of Police, shows that the law-makers were aware even in the pre-constitutional days, when the UP Police Regulations were framed, that the opening of a history sheet, howsoever described as a measure for the Police to go about their duty, is deeply invasive of the individual's liberty and privacy. Also, the opening of a history sheet requires a fine understanding of the distinction between those cases where the man may have committed or got involved in more than one instances of crime, on one hand, and an expert or a professional criminal, on the other. It is for this reason that in the day, the Regulations were framed, it was thought that the Superintendent of Police is a responsible officer, who would exercise this authority with understanding, care and caution. Unfortunately, in this case, this has not happened at all.

17. A look at the history sheet, and, more than that, the contents of the counter affidavit, it is apparent that the proposal was made by the Station House Officer Meja, Prayagraj and it went through the desk of the Circle Officer, Meja, the Superintendent of Police, Yamunapar, Prayagraj on the same day, that is to say, 19.02.2020. The Senior Superintendent of Police, Prayagraj, who was exclusively vested with the authority to authorize the opening of the impugned history sheet, granted his approval on 27.02.2020. A look at the approval granted by the Senior Superintendent of Police, Prayagraj would show that it is nothing more than a rubber stamped approval. We do not wish to say that it is the obligation of the Senior Superintendent of Police to pass a detailed order authorizing the opening of a history sheet, but at the same time he has to record in a few words how he finds the man to be a professional or an expert criminal, on the basis of material available on record, so as to imperil his liberty until the man's death.

18. In the post-constitutional era, the right of privacy and the right to liberty guaranteed under Articles 19 and 21 of the Constitution have gained profound importance. The liberty guaranteed by Article 21 is no longer the bare freedom from restraint, but involves all that freedom where the individual can truly live a human life with all its myriad facets. Article 19(1)(a) guarantees the rights to freedom of expression, and Article 19 (1) (d) the freedom to move freely throughout the territory of India. Once a B-Class history sheet is opened against a man, the methods of surveillance are laid down in Regulations 236 and 238 of the UP Police Regulations, which read:

“236. Methods of surveillance of history sheeters.- Without prejudice to the right of Superintendents of Police to put into practice any legal measures, such as shadowing in cities, by which they find they can keep in touch with suspects in particular local ties or special circumstances, surveillance may for most practical purposes be defined as consisting of one or more of the following measures :

- (a) secret picketing of the house or approaches to the house of suspects;
- (b) through periodical inquiries by officers not below the rank of sub-inspector into repute, habits, associations, income, expenses and occupation;
- (c) the reporting by constables and chaukidars of movements and absences from home;
- (d) the verification of movements and absences by means of inquiry slip;
- (e) the collection and record on a history-sheet of all information bearing on conduct.

238. Surveillance of B-class history sheeters- History-sheet men of class B will be subject to measures (c), (d) and (e) but not to measures (a) or (b) unless the nature of the particular crime to which they are addicted requires that these measures should be applied to them. Thus, while it might be necessary to have a telegraph wire-cutter visited, or to have his house picketed at night, the application of these methods of surveillance to a professional cheat would be futile.

Similarly, though the absences from home of all history-sheet men of class B must be reported at the police station, and though, all such men will be liable to have their movements verified, this verification need not be made when it would clearly serve no useful purpose. It would almost invariably be essential, for instance to verify the movements of prisoner or a pick-pocket, but rarely necessary to verify those of a local bulky. In such matters station officers be expected to exercise an intelligent discretion having regard to the circumstances of the criminal's absence and the nature of the crime to which he is addicted.”

19. A look at these methods of surveillance would certainly show that while a man may not be actually under restraint, his liberty and privacy, including his movements, would be under constant gaze. His house would be subjected to picketing as well

as the approaches to his house, likewise dealt with. There would be eyes following him wherever he went. A supervision, like this, would certainly be severe curtailment of an individual's right to liberty guaranteed under Articles 19 and 21 of the Constitution. It is not that even in cases of professional and expert criminals, their fundamental rights are to over-weigh against the countervailing and overbearing larger public interest. But, cases where this kind of curtailment is indeed necessary, have to be sensitively classified and identified. A cavalier approach cannot be adopted with a rubber stamped approval by the Superintendent of Police to open a B-Class history sheet, that would cast a shadow of surveillance over a man for the remainder of his life.

20. There is no material placed on record in the present case, as already remarked, which would entitle the Senior Superintendent of Police or the recommending Authorities lower down to think that the petitioner is that kind of an expert or professional criminal, whose conduct requires constant surveillance by resort to a B-Class history sheet. In the context of surveillance and the opening of history sheets for the purpose, reference must be made to **Gobind v. State of M.P., (1975) 2 SCC 148**, where the entire measures of surveillance and for what kind of men it would pass constitutional muster has been laid down. In **Govind (supra)** it was held by the Supreme Court while considering constitutional validity of Regulation 855 and 856 of the Madhya Pradesh Police Regulations:

“33. When there are two interpretations, one wide and unconstitutional, the other narrower but within constitutional bounds, this Court will read down the overflowing expressions to make them valid. So read, the two regulations are more restricted than counsel for the petitioner sought to impress upon us. Regulation 855, in our view, empowers surveillance only of persons against whom reasonable materials exist to induce the opinion that they show “a determination, to lead a life of crime” — crime in this context being confined to such as involve public peace or security only and if they are dangerous security risks. Mere convictions in criminal cases where nothing gravely imperilling safety of society cannot be regarded as warranting surveillance under this regulation. Similarly, domiciliary visits and picketing by the police should be reduced to the clearest cases of danger to community security and not routine follow-up at the end of a conviction or release from prison or at the whim of a police officer. In truth, legality apart, these

regulations ill-accord with the essence of personal freedoms and the State will do well to revise these old police regulations verging perilously near unconstitutionality.”

21. The remarks of their Lordships made half a century ago in **Gobind** (*supra*) are a beacon light to show that these kind of intrusive measures do not much accord with a constitutionally governed society, though it is not entirely prohibited. It is to be limited for such men, who pose dangerous security risks to the society at large, when they virtually lead a professional life of crime. In the day when **Gobind** was decided, the right to privacy was still not established as a facet of Article 21 of the Constitution. It is now a well established facet of that fundamental right after the decision in **K.S. Puttaswamy (Privacy-9J.) v. Union of India, (2017) 10 SCC 1**.

22. A similar question arose before a Division Bench of this Court in **Munna Lal Gupta v. State of U.P., 2016 SCC OnLine All 3023**, where highlighting the importance of invasive surveillance by the Police on account of opening of a B-Class history sheet and the recording of reason by a police officer that the person, against whom the measure was taken, was a desperate character and habitual offender, it was held:

“14. The petitioner under the shadow of surveillance is certainly deprived of this freedom. Due to presence of such history-sheet, the petitioner is deprived of his freedom of movement as well as right of privacy under the shadow of surveillance by police. He can move physically, but he could not do so freely for all his activities because he is watched and noted. After knowledge of this history-sheet he could not act as freely as he would like to do in absence of such history-sheet.

15. Where the police officer has not given any reason for his belief that the petitioner was a desperate character, and a habitual offender, the history-sheet opened against him is not in accordance with the mandate of the relevant rules, and as such it would be just to order closure of such history-sheet. The exercise of the power by the police under the cover of surveillance which invades into personal liberty of the petitioner as regards his free movement in day to day life, when there is no material to continue the history-sheet for him, is violative of Article 21 of the Constitution of India.

16. For the reasons discussed above, we hold that Class-B history-sheet for the petitioner Munna Lal Gupta was an erroneous act done with out the facts being verified and without reasonable satisfaction being reached or mind being applied by the then Superintendent of Police. This history-sheet was never reviewed because rules provided that Class-B history-sheet shall continue till death.

17. Although right of privacy stands declared as fundamental right and a person cannot be deprived of freedom of movement guaranteed by the Article 19(1)(d) of the Constitution of India as well as personal liberty granted under Article 21 and it cannot be said that rights are absolutely rights because they subjected to reasonable restrictions, but in present matter restrictions imposed on aforesaid fundamental rights of the petitioner are unwarranted erroneous and unreasonable. This history-sheet is violative of constitutional guarantee and fundamental rights of the petitioner guaranteed under the Constitution of India. We are satisfied that there were no sufficient grounds for Superintendent of Police to entertain a reasonable belief that a surveillance was required in the case of the petitioner and there existed no offence to support the fact that surveillance of the petitioner was necessary. Hence the order passed by the Superintendent of Police Chitrakoot to open Class-B history-sheet of the petitioner at Police Station Manikpur, District Chitrakoot deserves to be quashed.”

23. We must say in this case, as already noticed, with reference to the specific contents of the impugned history sheet that the Senior Superintendent of Police has not at all applied his mind to the fact, if indeed the petitioner was that kind of an offender, who fell in the description of an expert professional criminal, one who would require supervision because of his actions by their sheer, desperate and repetitive nature and the fact that these would imperil the security and safety of the society at large. If we look at the history sheet, except for the cases registered, which are all disjunct and different, there is no material, which the Senior Superintendent of Police has taken into consideration before granting approval to the opening of the impugned history sheet by his order dated 27.02.2020. The order too is a rubber stamped approval, which does little justice to the solemnness of the duty, which is cast upon the Senior Superintendent of Police while granting approval to the opening of a history sheet under Regulation 240 of the UP Police Regulations. There is absolutely no justification, therefore, in our opinion, on the material that is placed on record to infer that the petitioner ought be classed as a professional and expert criminal, so desperate that he is to be subjected to a life long surveillance as a B-Class history sheeteer.

24. In the result, this writ petition succeeds and is **allowed**. The impugned order of the Senior Superintendent of Police, Prayagraj dated 27.02.2020 and the impugned history sheet are hereby **quashed**.

25. Let a copy of this judgment be communicated to the Commissioner of Police, Prayagraj, the Deputy Commissioner of Police, Yamuna Nagar, Commissionerate Prayagraj, the Assistant Commissioner of Police, Circle Meja, Commissionerate Prayagraj, and the Station House Officer, P.S. Meja, District Prayagra by the Registrar (Compliance).

(Tarun Saxena,J.) (J.J. Munir,J.)

August 14, 2026

Anoop