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APHC010060652023



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3604]

MONDAY, THE 28th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION NO: 4108/2023

Between:

SRI VANKALA JAGADEESH, S/O VANKALA ARJUNA RAO, AGED 24
YRS, D.NO.2-168 MAMIDIPALLI, PALASA, BODDAPADU,
SRIKAKULAM DISTRICT

...PETITIONER

AND

1. THE STATE OF AP, REPRESENTED BY ITS PRINCIPAL SECRETARY (HOME) SECRETARIAT BUILDINGS, SECRETARIAT, VELAGAPUDI AMARAVATHI.
2. THE ASSISTANT COMMISSIONER OF POLICE, CRIMES ZONE-II, VISAKHAPATNAM CITY.
3. THE SUB DIVISIONAL POLICE OFFICER, VISAKHAPATNAM
4. THE STATION HOUSE OFFICER, STEEL PLANT POLICE STATION VISAKHAPATNAM.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an Order to Issue a Writ or Order or Direction more particularly in the nature of a Writ of Mandamus declaring the action of the Respondents Police Particularly the 2nd and 4th Respondent Police Opened a Suspect Sheet No.02/2019 dt 21-12-2019 Continuing to Operate /maintain the

said Suspect Sheet as against the petitioner even though there is only one Crime 45/2019 before the 4th respondent police station on that the respondents calling the petitioner all are illegal, unlawful, without have any jurisdiction , Violation of Article 14,19,21 of the Constitution of India there by to direct the respondents to Close the Suspect Sheet No.02/2019 in the interest of the justice. and to pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass an Order to direct the respondents 2 to 4 not to Call for the Petitioner to the police station nor harass in connection with the Suspect Sheet No.02/2019 without have any summon or notice prior to the Call pending disposal of the main Writ Petition in the interest of the justice and to pass

Counsel for the Petitioner:

1.R SIVA SAI SWARUP

Counsel for the Respondent(S):

1.GP FOR HOME

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM**WRIT PETITION No.4108 OF 2023****ORDER:**

This writ petition is filed seeking a direction to the respondents to close the Suspect Sheet No.2/2019, dt.21.12.2019 opened against the petitioner.

2. The case of the petitioner, in brief, is that respondent No.4 recommended the opening of a suspect sheet against him and, accordingly, respondent Nos.2 and 3 issued proceedings dated 21.12.2019, vide C.No.130/SUS/OPEN/ACP Cr/2019. It is contended that respondent Nos.2 and 3 lacked the authority or jurisdiction to issue the impugned proceedings and that respondent No.2 had no authority to direct the opening of the suspect sheet. According to the petitioner, only one criminal case, namely Crime No.45 of 2019, is registered against him and no other case is pending against him. It is further contended that the respondents failed to follow the principles laid down by the Hon'ble Supreme Court in ***K.S. Puttaswamy v. Union of India***¹ and the relevant A.P. Police Standing Orders, and that the suspect sheet was opened erroneously.

3. The learned Assistant Government Pleader for Home filed a counter-affidavit admitting that only one case is pending against the petitioner. It is contended that the petitioner has scant respect for the law; that the investigation in Crime No.45 of 2019 has been completed and a charge sheet has been filed, which was taken on file as C.C. No.286 of 2019 and is pending before the VIII Additional Chief Metropolitan Magistrate, Gajuwaka, Visakhapatnam; and that the suspect sheet was opened to curb and prevent the petitioner's unlawful activities in the vicinity of the Steel Plant. It is further stated that permission was obtained from respondent Nos.2 and 3 in accordance with Order No.600(1) of the A.P. Police Manual. On these

¹ 2017 (10) scc 1

grounds, the respondents contend that there is no illegality in opening the suspect sheet and pray for dismissal of the writ petition.

4. Heard Sri R. Siva Sai Swarup, learned counsel for the petitioner, and Sri R. Mallikarjuna, learned Assistant Government Pleader for Home.

5. Learned counsel for the petitioner submits that respondent No.4 recommended the opening of a suspect sheet without following the Police Standing Orders, particularly Order No.601 of the A.P. Police Manual, and that respondent Nos.2 and 3 issued the proceedings opening Suspect Sheet No.2/2019 contrary to the applicable Standing Orders. It is further submitted that the petitioner is not a habitual offender, has not been convicted, and is not involved in any other offence apart from the case referred to in the writ petition. According to the learned counsel, the suspect sheet was opened without adhering to the principles laid down by the Hon'ble Supreme Court and a Co-ordinate Bench of this Court, thereby curtailing the petitioner's rights.

6. Per contra, the learned Assistant Government Pleader submits that the suspect sheet was opened to curb and prevent the petitioner's unlawful activities in the vicinity of the Steel Plant and that the requisite permission was obtained. He, therefore, submits that the writ petition is devoid of merit.

7. The record reveals that, on the basis of a report lodged by the de facto complainant, Crime No.45 of 2019 was registered against the petitioner for the offence punishable under Section 392 IPC. Upon completion of the investigation, the police filed a charge sheet, which was taken on file as C.C. No.286 of 2019 on the file of the VIII Additional Chief Metropolitan Magistrate, Visakhapatnam. It is not in dispute that no other criminal case is pending against the petitioner.

8. In **B. Satyanarayana Reddy v. State of Andhra Pradesh**², it was held that, under Police Standing Order No.742, for including a person's name in a rowdy sheet, it must be established that the person habitually commits or abets the commission of offences involving a breach of peace. A solitary case involving a breach of peace is not sufficient to justify the inclusion of a person's name in a rowdy sheet.

9. In **Majid Babu v. Government of A.P.**³, a Division Bench of this Court, placing reliance on the judgment of the Hon'ble Supreme Court in **Vide Malak Singh v. State of Punjab**⁴, held as follows:

"When the Police open Rowdy Sheets against persons involving any offences pertaining to breach of peace, they need not communicate the reasons nor are the persons concerned entitled to be heard before the rowdy sheets are opened. Nonetheless, when a complaint is made to the Court that, contrary to the provisions of the Police Standing Order, Rowdy Sheets are opened, the respondents are under a duty to satisfy the Court that the action taken by them accords with the provisions of the Police Standing Orders or any other valid provision of law."

10. It was further observed that two instances would not make a person a habitual offender and that more than two instances should be present before a person can be described as a habitual offender. Merely because persons figure as accused in two crimes registered by the police, no inference can be drawn that they are habitual offenders.

11. In **Puttagunta Pasi v. Commissioner of Police, Vijayawada**⁵, a Division Bench of this Court held that opening rowdy sheets in a routine manner against persons who are not habitual offenders is impermissible. The Division Bench further observed as follows:

"...it is clear that rowdy sheets cannot be opened against any individual in a casual and mechanical manner. Dubbing a person as

² 2004(1) ALD (Cr.) 387

³ 1987 (2) ALT 904

⁴ (1981) 1 SCC 420

⁵ (1998) 3 ALT 55

a habitual offender and opening a rowdy sheet is not sufficient. On the other hand, due care and caution shall be taken by the Police before characterising a person as a rowdy. The important element that has to be seen in the acts of an offender is whether the acts so committed by a person will have a tendency to disturb public peace and tranquillity.”

12. It is apposite to mention that the Standing Order No.600 (1) of the A.P. Police Manual and the same is reproduced as follows:

- i. Persons, convicted under any section of the Indian Penal Code, who are considered likely to commit crime again, and
- ii. Persons, not convicted but believed to be addicted to crime.
- iii. Members of criminal gangs or organized criminal syndicates who have been charge sheeted.
- iv. Communal and Caste activists who are known to instigate, organize violence or spark off communal or caste riots.
- v. Smugglers, hoarders, black marketers and for professional land grabbers, boot leggers, sand smugglers, persons charged under money laundering Act.
- vi. Assault on Public Servant.
- vii. Attempt to murder (307 IPC), Murder (302 IPC)
- viii. Chain snatching
- ix. Extended under City Police Act/other Acts like Anti-Social Hazardous Activities (Prevention) Act.
- x. Externed under Anti Social Activities, Hazardous Activities (Prevention) Act, 1980 and other Acts.
- xi. Rape cases u/s 376 IPC, 376 A, C, D, E
- xii. Trafficking cases u/s 370, 370 A, 366A, 366 B, 372, 373 IPC including Immoral Traffic Prevention Act sections.
- xiii. Cases of POCSO (Protection of Children from Sexual Offences) Act, 2012.
- xiv. Cases U/s. 354, 354A to 354D, 326A, 326B of IPC.
- xv. Listed accused in Multi-Level Marketing cases/ White collar crime.
- xvi. Persons charged under unlawful Activities (Prevention) Act.

13. It is not in dispute that, apart from the aforesaid case, the petitioner is neither an accused in any other case nor has he been convicted in any other

case. The Standing Order No.600(1) of the A.P. Police Manual, which sets out the categories of persons against whom such sheets may be opened, including persons convicted and considered likely to commit offences again; persons believed to be addicted to crime; members of criminal gangs or organised criminal syndicates who have been charge-sheeted; persons involved in communal or caste violence; and persons involved in specified serious offences and activities.

14. A reading of the aforesaid Standing Order shows that it identifies specified categories of persons against whom a suspect or rowdy sheet may be opened, subject to the requirements of the Standing Order. The categories include persons addicted to crime, members of criminal gangs or organised crime syndicates, persons involved in communal or caste violence, and persons involved in specified serious offences. In the present case, the record and the counter-affidavit disclose only Crime No.45 of 2019, registered under Section 392 IPC, against the petitioner. This Court, therefore, does not express any opinion on the merits of the criminal case and confines its consideration to the legality of opening and continuing the impugned suspect sheet.

15. In the facts and circumstances of the case, and in the light of the aforesaid decisions and the applicable Standing Order, this Court is of the considered view that the respondents have not placed any material to show that the petitioner falls within any category contemplated by Standing Order No.600(1) or that he is habitually involved in criminal activity. The only reason stated by the respondents for opening the suspect sheet is the need to curb the petitioner's alleged unlawful activities in the vicinity of the Steel Plant. Such a general assertion, unsupported by material demonstrating the requisite habitual conduct or other applicable grounds under the Standing Order, is insufficient to justify the opening or continuation of the suspect sheet. The fact that a charge sheet has been filed in one criminal case, by itself, does not

establish that the petitioner is a habitual offender or that the requirements of the Standing Order are satisfied. In these circumstances, the opening and continuation of Suspect Sheet No.2/2019 cannot be sustained and amount to an arbitrary exercise of police power. The impugned action is, therefore, liable to be set aside.

16. **In the result**, the writ petition is allowed. Suspect Sheet No.2/2019, dated 21.12.2019, opened against the petitioner, is hereby set aside. There shall be no order as to costs.

As a sequel thereto, all pending miscellaneous petitions, if any, shall stand closed.

28.09.2026

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SUNITHA GANDHAM, J