

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

-

WRIT PETITION No.27458 of 2014

-

Date : 10.06.2015

Between:

K.Venkatesh Goud, S/o.Shanker Goud,
38 years, R/o.H.No.1-64, Khajaguda,
Hyderabad

..... PETITIONER

AND

Government of Telangana, rep. by its
Principal Secretary, Home Department,
Secretariat, Hyderabad
and others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

-

WRIT PETITION No.27458 of 2014

-

ORDER:

-

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

"To issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondents in continuing the rowdy sheet opened against the petitioner in the 3rd respondent police station, in spite of acquittal from the criminal cases and though no case is registered against the petitioner subsequently, as being illegal, arbitrary and consequently direct the respondents herein to forthwith close the rowdy sheet opened against the petitioner in the 3rd respondent police station."

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for the respondents herein, apart from perusing the material available on record.

According to the petitioner, he is a resident of Khajaguda, Hyderabad, and his father is a politician and contested as an M.L.A. in the recent 2014 Elections. It is stated by the petitioner that in order to tarnish the image and reputation of the petitioner's father, the opponent political leaders have falsely implicated the petitioner herein in criminal cases. It is further stated that in view of acquittal of the cases against the petitioner, he approached the 2nd respondent by way of representation dated 20.04.2014, requesting the 3rd respondent to close the rowdy sheet.

The Inspector of Police, Raidurgam Police Station, Cyberabad Commissionerate, has filed a counter, stating that all the criminal cases registered against the petitioner herein ended in acquittal. It is also stated in paragraph Nos.3 and 4 as follows:

"It is respectfully submitted that due to the involvement of the petitioner in the above criminal cases, it has become incumbent on the part

of the respondent police to curb and curtail the unlawful activities in the vicinity of Raidurgam Police Station after obtaining permission from the then Deputy Commissioner of Police, L & O, Cyberabad vide Memo No.24/D1/CCRB/CYB/2005 dated 17.03.2005 a rowdy sheet was opened against the petitioner herein on the rolls of Raidurgam Police Station and the same is being continued and renewed from time to time and it stands extended till 31.12.2014.

It is respectfully submitted that due to fear of the petitioner herein posing as rowdy sheeter, no one has come forward to the police station to lodge complaint against him. Unless and until, a close watch is being maintained against the unlawful activities of the petitioner herein, there is every chance that he may repeat the offences including bodily offences. I humbly submit that in view of the public interest and mainly to safeguard the residents of Raidurgam Police Station limits, the rowdy sheet of the petitioner is being continued. I humbly submit that the intention of the petitioner in filing the present writ petition is to get the rowdy sheet is closed so that he can continue his unlawful activities. I humbly submit that except continuing the rowdy sheet as per the provisions of the Police Standing Orders, this respondent never harassed the petitioner. It is submitted that mere acquittal in criminal cases does not entitled the petitioner to get the rowdy sheet is closed. All the criminal cases were ended in acquittal only on technical grounds but not on merits. The averments contra are denied. The contentions contra are untenable. The petitioner is not entitled to grant any relief muchless the interim orders. The writ petition is liable to be dismissed."

It is evident from the above that the petitioner was acquitted in all the criminal cases and no criminal cases are pending against the petitioner. In view of the above reason, it cannot be said that the petitioner falls in the category of 'habitual offender', which is an essential requirement for opening and continuing a rowdy sheet against any person. In these circumstances, the basis for continuing the rowdy sheet against the petitioner is wholly unjustified and the rowdy sheet is liable to be quashed and accordingly quashed.

This writ petition is accordingly allowed. However, if the petitioner is found in any case, it is open for the respondents to take appropriate action against him. There shall be no order as to costs. As a sequel, the miscellaneous petitions, if any pending in this writ petition, shall stand closed.

A.V.SESHA SAI, J

Date: 10.06.2015

siva