

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

WRIT PETITION No.594 of 2012

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein therefore prays that this Hon'ble High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not closing the rowdy sheet bearing No.296 of 1998 pending against the petitioner on the file of the 3rd respondent P.S as illegal, arbitrary and violative of Article 21 of the Constitution of India and as a consequential direction direct the respondent No.2 to consider the case of the petitioner and close the rowdy sheet bearing No.296 of 1998 pending against the petitioner forthwith and pass such other order or orders as this Hon'ble High Court may deem fit and proper in the interest of justice.”

Heard learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondents.

According to the petitioner, he belongs to respectable middleclass family and is eking out livelihood by doing petty works such as Electrician etc., in order to maintain his aged parents, wife and two children. It is pleaded in the affidavit filed in support of the Writ Petition that he

does not have movable and immovable properties. It is also pleaded that due to local politics, he was made a scapegoat and the police registered criminal cases against him. It is the submission of the learned counsel for the petitioner that as no criminal cases are pending against the petitioner, continuance of rowdy sheet opened against him is untenable and not warranted.

A counter-affidavit is filed by the Sub-Inspector of Police, Tadepalli Police Station and according to it, the cases registered against the petitioner ended in acquittal long back and no fresh cases are pending against the petitioner. The only reason shown in the counter-affidavit for continuing the rowdy sheet against the petitioner is that unless and until a close watch is maintained against the petitioner, there is every likelihood of he being indulged in unlawful activities.

In the considered opinion of this Court, the said reason assigned by the respondents for continuing the rowdy sheet opened against the petitioner is not a ground unless there exists necessary ingredients of the Andhra Pradesh Police Standing Order No.601.

In the facts and circumstances of the case and having regard to the fact that no fresh cases are registered against the petitioner as evident from the counter-affidavit, this Court is of the considered opinion

that ends of justice would be met, if the petitioner is permitted to submit necessary application to the authorities concerned for discontinuing the rowdy sheet opened against him.

For the aforesaid reasons, the Writ Petition is disposed of permitting the petitioner to submit necessary application before the respondents for discontinuing the rowdy sheet opened against him, within a period of one month from the date of receipt of this order. There upon, the same shall be considered and appropriate orders be passed in accordance with law, keeping in view the provisions of the Andhra Pradesh Police Standing Order No.601 within a period of two months thereafter.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition shall stand disposed of. No order as to costs.

A.V.SESHA SAI, J

8th FEBRUARY, 2016.

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