

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No.8839 OF 2014

-
ORDER

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble 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 respondent authorities in opening and continuing history/rowdy sheet against the petitioner as illegal and unconstitutional and consequently direct the respondent authorities to close the history/rowdy sheet and intimate the same to the petitioner and pass this Hon’ble court may deem fit and proper in the circumstances of the case.”

Perusal of the counter-affidavit reflects that the rowdy sheet was opened in the name of the petitioner on the file of Bhavani Nagar Police Station on 09.03.2013 and seems to have been continued thereafter from time to time. However, the counter-affidavit also demonstrates that the petitioner was only involved in two cases, Crime No.18 of 2013 and Crime No.19 of 2013.

Sri K.S. Murthy, learned counsel for the petitioner, would assert that the petitioner has been acquitted in both these cases.

In the light of the law laid down by this Court in **K. Suresh Babu v.**

Superintendent of Police, Anantapur^[1], relying upon the earlier decisions in **Kamma Bapuji v. Station House Officer, Brahmasamudram**^[2] and **Puttagunta Pasi v. Commissioner of Police, Vijayawada**^[3], it was not lawful on the part of the police authorities to open a rowdy sheet in the name of the petitioner on the basis of his involvement in only two cases. This Court categorically held that involvement in at least more than two cases is required to infer that the person concerned is a habitual offender. That being so, the very

opening of the rowdy sheet in the name of the petitioner is shown to be without any basis in the light of the law laid down by this court.

The writ petition is accordingly allowed directing the police authorities to forthwith close the rowdy sheet opened in the name of the petitioner on the file of Bhavani Nagar Police Station. This order shall however not preclude the police authorities from taking appropriate action in future, if warranted, in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

15th March, 2016
PGS

[\[1\]](#) 2015 (6) ALT 556

[\[2\]](#) 1997 (6) ALD 583

[\[3\]](#) 1998 (3) ALT 55 (D.B.)