

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 6860 OF 2016

ORDER

The grievance of the petitioners is with regard to the action of the police in calling them to the police station on the basis of the rowdy sheets opened in their names and being maintained on the file of Old Guntur Police Station and a consequential direction is sought to close the said rowdy sheets.

The Sub Divisional Police Officer, East Division, Guntur Urban, Andhra Pradesh, filed a counter affidavit. Perusal thereof reflects that the petitioners were stated to have been involved in only one single case, Crime No.308 of 2014 registered on the file of Old Guntur Police Station, under Sections 420, 468 and 471 I.P.C. This case is stated to be still under investigation.

In the light of the law laid down by this Court in **K. Suresh Babu v. Superintendent of Police, Anantapur Dist.**^[1] following the earlier decisions in **Kamma Bapuji v. Station House Officer, Brahmasamudram**^[2] and **Puttagunta Pasi v. Commissioner of Police, Vijayawada**^[3], the very opening of the rowdy sheets on the basis of the petitioners' involvement in one single case cannot be countenanced as no inference could have been drawn that the petitioners were habitual offenders. Unless a person is involved in more than two criminal cases, no such inference can be drawn. That being so, the very opening of the rowdy sheets in the names of the petitioners is legally unsustainable.

The writ petition is accordingly allowed. The respondent police authorities shall forthwith close the rowdy sheets opened in the names of the petitioners. This order shall however not preclude the police authorities from taking action afresh in accordance with law, if warranted.

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

SANJAY KUMAR, J

Date: 19.04.2016
va

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

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

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