

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.9206 OF 2016

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ORDER

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

‘This Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declare the action of the 3rd and 4th respondents in opening and continuing Rowdy Sheet against the petitioners as arbitrary and illegal and contrary to Sec. 601 of Police Standing orders and violation of rights guaranteed under Constitution of India and consequently direct the respondent Nos. 3 and 4 to forthwith close the Rowdy Sheet opened against the petitioners and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.’

The Inspector of Police, Dharmavaram Urban Police Station, Anantapuramu District, filed a counter-affidavit stating that the petitioners were involved in two criminal cases, viz. Crime No.110 of 2013 and Crime No.39 of 2014. The first case ended in acquittal on 18.12.2014 in S.C.No.311 of 2014 on the file of the learned Assistant Sessions Judge, Dharmavaram, while the second case ended in compromise in C.C.No.153 of 2014 on the file of the learned Judicial Magistrate of First Class, Dharmavaram.

The rowdy sheets in the names of the petitioners seem to have been opened in the year 2014 and are being continued till date.

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 two cases 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 being maintained in the names of the petitioners on the file of Dharmavaram Urban Police Station, Anantapuramu District. 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

13th APRIL, 2016

Note: Issue C.C. by 19.04.2016.
B/o Svv

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

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

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