

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6027 of 2016

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the respondent No.2 and 3 in continuing the Rowdy Sheet against the petitioner on the file of the

3rd respondent Police Station, S.R. Nagar Hyderabad as illegal, arbitrary violation of principles of natural justice, besides being violative of Articles 14 and 21 of the Constitution of India and also Standing Order 602-1 of the A.P. Police Manual Part-1 Volume 2 and the consequently set aside the same and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

Written instructions dated 15.03.2016 were furnished by the Sub-Inspector of Police, Sanjeevareddy Nagar Police Station, Hyderabad, to the office of the learned Government Pleader for Home, wherein he stated that the petitioner figured as accused No.8 in Crime No.667 of 2010 on the file of Kukatpally Police Station, which was registered under Sections 147, 148 and 302 I.P.C. read with Section 149 I.P.C. This case however ended in acquittal of the accused on 18.09.2015. The

Sub-Inspector further admitted that it was only due to the involvement of the petitioner in this case that a rowdy sheet was opened in his name on the file of Kukatpally Police Station in July, 2010. The Sub-Inspector further stated that upon the petitioner shifting to Sanjeevareddy Nagar Police Station jurisdiction, the rowdy sheet was transferred to the said police station in the year 2012.

The afore-stated admitted facts indicate that the petitioner was only involved in one single case which ultimately ended in acquittal.

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, Brahasamudram**^[2] and **Puttagunta Pasi v. Commissioner of Police, Vijayawada**^[3], the very opening of the rowdy sheet on the basis of the petitioner's involvement in one single case cannot be countenanced as no inference could have been drawn that the petitioner was a habitual offender. 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 sheet in the name of the petitioner is legally unsustainable.

The writ petition is accordingly allowed. The respondent police authorities shall forthwith close the rowdy sheet opened in the name of the petitioner. 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.

JUSTICE SANJAY KUMAR

17th March, 2016
PGS/IBL

^[1] 2015 (6) ALT 556

^[2] 1997 (6) ALD 583

^[3] 1998 (3) ALT 55 (D.B.)