

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 7929 OF 2016

ORDER

The grievance of the petitioner is with regard to the opening of a rowdy sheet in his name on the file of Piler Police Station. The Sub Divisional Police Officer, Madanapalle, filed a counter affidavit seeking to justify this action. Perusal thereof reflects that the petitioner was only involved in two cases which both 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, Brahmasamudram**^[2] and **Puttagunta Pasi v. Commissioner of Police, Vijayawada**^[3], it is not open to the police authorities to infer that a person is a habitual offender without his involvement in atleast more than two criminal cases. 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.

SANJAY KUMAR, J

Date: 19.04.2016
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^[1] 2015 (6) ALT 556

^[2] 1997 (6) ALD 583

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