

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24146 OF 2017

ORDER:

This Writ Petition is filed seeking a *mandamus* to declare the action of Respondents 2 to 5 police officials in not opening the rowdy sheet against Respondents 6 to 12, as illegal and arbitrary.

The complaint in this Writ Petition is that Respondents 6 to 12 have repeatedly been attacking the petitioner and the members of his family and thereby, causing severe loss to them. According to the petitioner, Respondents 6 to 12 have involved in various criminal cases, the details of which have been given below:

- 1) Crime No. 300 of 2014 dated 11.08.2014 under Sections 452, 302, 307 read with Section 34 of the Indian Penal Code (for short, 'IPC') and Section 109 of IPC in Kanchikacherla.
- 2) Crime No. 299 of 2014 under Section 324 read with Section 34 of IPC in Kanchikacherla.
- 3) Crime No. 301 of 2014 under Sections 447, 427 read with Section 34 of IPC of Kanchikacherla Police Station

It is the further case of the petitioner that he sent a detailed representation dated 18.01.2017 to Respondents 2 to 5, by Registered post, requesting to open a rowdy sheet against Respondents 6 to 12, but so far, no action has been taken thereon. Hence, he seeks a direction to the official respondents to invoke Standing Order No. 600 of the Andhra Pradesh Police Manual and open a rowdy sheet against Respondents 6 to 12.

Learned counsel for the petitioner submits that the unofficial respondents have muscle power and are habitual offenders, hence, considering the representation of the petitioner, the police officials ought to have invoked Standing Order No. 600 of the Police Manual and opened a rowdy sheet against them.

Learned Government Pleader for Home (Andhra Pradesh) has placed on record the written instructions received from the Sub-Inspector of Police, Kanchikacherla Police Station. It has been stated therein that Respondents 6 to 12 and Respondents 7 to 11 are accused in Crime Nos. 300 and 301 of 2014 on the file of Kanchikacherla Police Station, wherein, after completion of investigation, charge sheets have been filed and the same are pending trial *vide* S.C.No. 163 of 2015 on the file of the XXI Additional District Judge's Court at Nandigama and C.C. No. 506 of 2014 on the file of the Additional Judicial Magistrate of I Class Court at Nandigama respectively. It is further stated that the unofficial respondents are not accused in Crime No. 299 of 2014, as stated by the petitioner. It is only on account of political rivalry, the petitioner filed this Writ Petition and as of now, there are no circumstances warranting opening of rowdy sheet against Respondents 6 to 12.

Having considered the respective submissions, at the outset, it may be observed that the petitioner does not have any right to seek rowdy sheet to be opened against other individuals, merely on account of their involvement in various crimes. Opening of a rowdy sheet is one of the methods used by the law-enforcing agencies to ensure maintenance of peace and tranquillity and to keep vigil on the activities of the persons, who are habitual in committing the offences. To or not to open a rowdy sheet against an individual is a matter, which is entirely at the discretion of the police authorities, *albeit* guided by the relevant rules. Under the Police Standing Orders, there is no enforceable right vested in the petitioner to

seek a direction to the respondent police officials to open a rowdy sheet against Respondent 6 to 12.

In those circumstances, the Writ Petition is dismissed. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

18th September 2017

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