

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.22965 of 2011

ORDER:

The petitioners seek a writ of Mandamus declaring the action of the respondents in not closing the Gang Sheet File No.160 of 2001 pending against the petitioners on the file of 1st respondent in spite of no cases being pending against them as illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the respondents to close Gang Sheet File No.160 of 2001 pending against the petitioners forthwith.

2a) Brief facts of the petition are that 1st petitioner is a resident of Vinukonda Town and physically handicapped person and he is running seven hills B.Ed. College at Vinukonda, Guntur District. The 2nd petitioner is working as Junior Assistant in Taluk office at Gurazala; 3rd petitioner is a practicing advocate; 4th petitioner is a resident of Gonuguntavaripalem village and selected as Vice President of Gonuguntavaripalem Gram Panchayat. All the petitioners are hailing from respectable families and doing jobs.

b) While so, due to political reasons, the 3rd respondent registered Cr.No.231 of 2000 against the petitioners and some others under Sections 120B, 307 r/w 149 IPC and Sections 3 and 5 of Explosives Substances Act, 1908 which was numbered as S.C.No.146 of 2004 on the file of Additional Assistant Sessions Judge, Narasaraopet, Guntur District and after full-fledged trial the said case was ended in acquittal. Except the above crime which was disposed of, no other cases are pending against the petitioners till

today. However, 1st respondent opened rowdy sheet against the 1st petitioner. Aggrieved, 1st petitioner filed W.P.No.4384 of 2001 before the High Court which was disposed of on 11.06.2002 with a direction that the 1st petitioner may file an application before the 2nd respondent requesting to close the rowdy sheet and on such application being filed, the respondents shall consider the same in the light of judgment of this Court reported in ***Sunkara Satyanarayana vs. State of A.P., Home Department and others***¹. Immediately thereafter, the 1st petitioner gave a representation dated 15.09.2003 to the respondents, but no action has been take till today. The further case of the petitioners is that the 3rd respondent has been directing the petitioners to come to the police station now and then and when enquired it was informed that Gang Sheet was pending against the petitioners vide Gang Sheet File No.160 of 2001. The police are directing the petitioners to visit the police station and insisting them to submit photographs and finger prints which is illegal and arbitrary. By virtue of pendency of Gang Sheet, petitioners are unnecessarily got bad image in the eye of society without there being any fault on their part. The petitioners are residing in different places doing different jobs. Petitioners have submitted a representation on 08.08.2011 requesting the respondents to close the Gang Sheet. However, no action has been taken so far.

Hence, the writ petition.

3) The 2nd respondent filed counter admitting opening of Gang Sheet File No.160 of 2001 against the petitioners. It is stated that in Cr.No.231 of

¹ 1999 (6) ALT 249

2000 the petitioners were charge sheeted for the offences under Sections 12B, 307 r/w 34 IPC and 3 and 5 of Explosives Substance Act and registered as S.C.No.146 of 2004 on the file of Additional Sessions Judge, Narasaraopet, Guntur District and the same was ended in acquittal. It is further pleaded, the 1st petitioner herein was involved in Cr.No.308 of 2013 for the offences under Sections 448, 323, 506 r/w 34 IPC of Vinukonda Town Police Station, Guntur District and charge sheet was filed and case was registered as C.C.No.70 of 2014 on the file of Judicial First Class Magistrate, Vinukonda. In view of petitioners involving in Cr.No.231 of 2000 to curb and curtail the unlawful activities of the petitioners, the Superintendent of Police, Guntur Rural Police Station by proceedings C.No./275/SCRB/CID/2000-2001 dated 06.02.2001 accorded permission to open Gang Sheet File No.160 of 2001 against the petitioners herein and others on the file of Vinukonda Town Police Station. The Gang Sheet was continued to watch the activities of the petitioners herein and it was extended upto 31.12.2015. The 2nd respondent admitted that the 1st petitioner filed W.P.No.4384 of 2001 which was disposed of on 11.06.2002 with a direction to the 1st petitioner to submit a representation for closure of rowdy sheet. The representation of the 1st petitioner was considered by the competent authority and in view of his involvement in criminal case and in view of past record, his request for closing the rowdy sheet was rejected to watch his activities. Finally, it is stated that 1st petitioner may approach the competent authority by way of representation, so that the higher authorities may consider his request.

4) Heard.

5) Learned counsel for petitioners would submit that all the petitioners hail from respectable families and they were involved in S.C.No.146 of 2000 which was ended in acquittal and attained finality and thereafter, the 1st petitioner who was involved in C.C.No.70 of 2014 on the file of Judicial First Class Magistrate, Vinukonda and said case was settled before Lok Adalat Bench, Vinukonda in L.A. Award dated 13.02.2016. Learned counsel for petitioners produced a copy of the Lok Adalat award in C.C.No.70 of 2014 on the file of Judicial First Class Magistrate, Vinukonda. He would thus submit that both the cases ultimately ended in acquittal and except that no other cases are pending against any of the petitioners but still the police continued the Gang Sheet without any lawful excuse. He thus prayed to direct the respondents to close the Gang Sheet.

6) Learned Government Pleader for Home while admitting both the cases ended in acquittal, however, would try to justify the continuation of Gang Sheet in view of past criminal record of the petitioners and would submit that if the petitioners make a representation to the respondents, the same would be considered as per law.

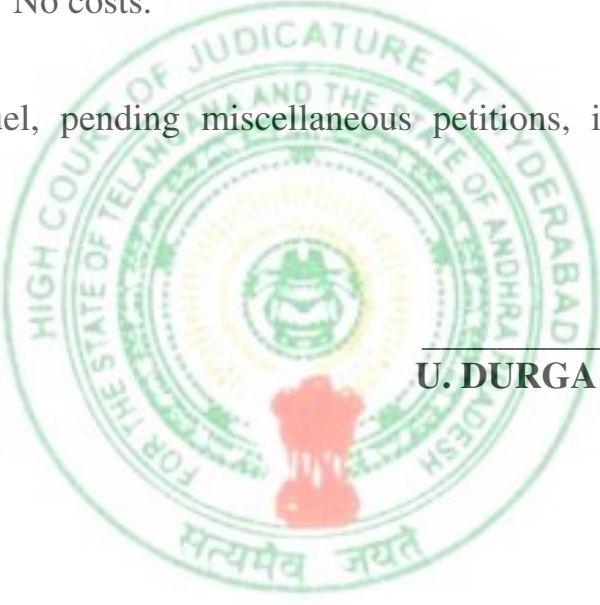
7) As can be seen, admittedly all the petitioners in S.C.No.146 of 2004 and 1st petitioner in C.C.No.70 of 2014 were acquitted and no other case is brought to the notice of this Court where they were involved. It also appears that the representations periodically made by the petitioners are also pending with the respondent authorities. In these circumstances, in the considered

view of this Court, a direction can be given to the respondents to consider the case of the petitioners for closure of Gang Sheet file No.160 of 2001 opened against the petitioners.

8) Accordingly, this Writ Petition is disposed of giving liberty to the petitioners to file a fresh representation before the respondent authorities within two weeks from the date of this order, in which case the respondent authorities shall pass an order on merits taking into consideration the judgment reported in *Sunkara Satyanarayana*'s case (1 supra) within two weeks thereafter. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

Date: 31.08.2018
Murthy

The seal of the High Court of Judicature at Hyderabad is a circular emblem. It features a central green emblem with a white star and crescent, surrounded by a green border. The text "HIGH COURT OF JUDICATURE AT HYDERABAD" is written in a circle around the emblem. Below the emblem, the text "FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH" is written. At the bottom, the Sanskrit motto "सत्यमेव जयते" is inscribed.

U. DURGA PRASAD RAO, J