

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.7324 OF 2018

ORDER:

Heard Sri P.Animi Reddy, learned counsel for the petitioner, and the learned Government Pleader for Home (A.P.) appearing for the respondents.

2. In the present writ petition, challenge is to the action of the respondents in opening and continuing the rowdy sheet against the petitioner on the file of Itikalapally Police Station, Anantapur, Anantapur District.

3. According to the petitioner, he is living a respectable life by doing agriculture and never indulged in any criminal activities. It is further stated that the Station House Officer, Itikalapally Police Station, Anantapur, Anantapur District registered a case against the petitioner and certain others *vide* Crime No.18 of 2003 on 02.05.2003 for the alleged offences under Sections 147, 148, 324 and 307 read with 149 I.P.C. It is further stated that the police filed a charge sheet in Sessions Case No.872 of 2003, which arose out of the said crime, on the file of the Additional Assistant Sessions Judge, Anantapur and the said case ended in acquittal *vide* judgment, dated 30.08.2007. It is further stated in the affidavit filed in support of the writ petition that thereafter, no case is registered against the petitioner herein.

4. It is contended by the learned counsel for the petitioner that the petitioner herein is leading a law abiding life and despite the same, the respondent police are continuing the rowdy sheet

opened against the petitioner herein in the year 2003. It is submitted by the learned counsel for the petitioner that the impugned action of continuation of the rowdy sheet against the petitioner herein is a patent violation of Articles 14 and 21 of the Constitution of India.

5. On the other hand, it is submitted by the learned Government Pleader that the competent authority for considering the request of the petitioner is the Deputy Superintendent of Police, Anantapur and without making any application before the concerned authority, the present writ petition has been filed before this Court directly under Article 226 of the Constitution of India.

6. Having heard the learned counsel for the petitioner and the learned Government Pleader, this Court, in the facts and circumstances of the case, deems it appropriate to dispose of the writ petition, keeping it open to the petitioner herein to file an application before the Deputy Superintendent of Police, Anantapur, Anantapur District/respondent No.4 herein for redressal of his grievance within a period of three (3) weeks from the date of receipt of a copy of this order. If any such application is filed by the petitioner within the time stipulated, the same be considered and appropriate orders be passed strictly in accordance with law within a period of three (3) months from the date of filing of such application.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 06.03.2018
AMD



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