

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11343 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue an order or direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No. 2 in frequently calling the petitioner to the Makkuva Police Station and harassing him even though he has been acquitted in Sessions Case.No.49 of 2016 on the file of the II Addl Sessions Judge at Parvatipuram vide Judgment dt.14.02.2018, as arbitrary, illegal, null and void, against norms of public policy and principles of natural justice and in violation of fundamental rights guaranteed under Constitution of India and consequently direct the Respondent.No.3 not to call the petitioner to the Police Station without any reason and to stop harassing him to pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice. and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *G.Sai Narayan Rao*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Home (A.P.) appearing for the respondents 1 & 2. I have perused the material record.

3. The learned counsel for the petitioner would submit that the petitioner is a responsible citizen and the Sarpanch of S.Peddavalasa Village; that he is a law abiding citizen; that he was falsely implicated in a criminal case registered for the offences punishable under Sections 120-B, 341, 302, 404, 412 read with 34 of Indian Penal Code, 1860; that in S.C.No.49 of 2016, on the file of the learned II Additional Sessions Judge, Parvatipuram, he was

acquitted; that despite such acquittal in the afore-stated case, the Police are frequently calling him to Makkuva Police Station, Makkuva Mandal, Vizianagaram District, and are harassing him; and the present writ petition is, hence, filed.

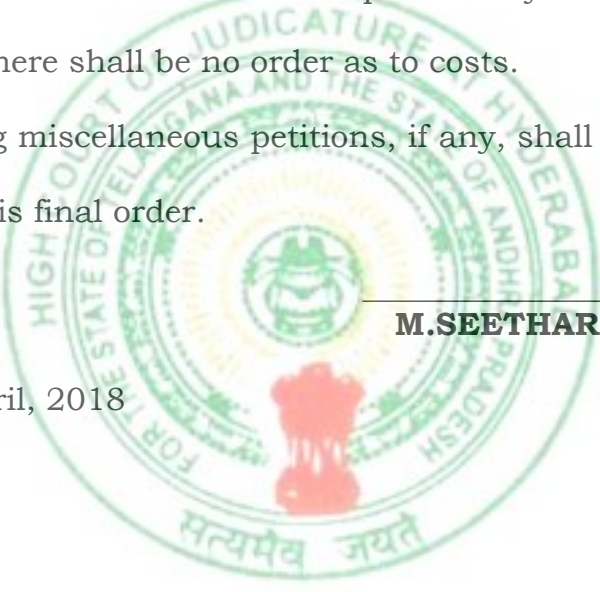
4. Learned Government Pleader, on written instructions, dated 06.04.2018, a copy of which is placed on record, would submit that the petitioner is A-4 in case in Crime No.10 of 2014, for the offences punishable under Sections 302, 379, 120-B, 341 read with 149 of Indian Penal Code, 1860, on the file of Makkuva Police Station, Makkuva Mandal, Vizianagaram District, and that in view of his involvement in the above said case and other unlawful activities, a rowdy sheet has been opened against him, on 17.03.2015, the file of Makkuva Police Station, Vizianagaram District, as per the orders of the Assistant Superintendent of Police, Parvathipuram, vide proceedings in C.No.07/HS/ASP/PVP/2015, dated 17.03.2015, and that the said Rowdy Sheet is being renewed from time to time and that the same was renewed upto 31.12.2018 by the Assistant Superintendent of Police, Parvathipuram. However, he does not dispute the acquittal of the petitioner in the afore-stated Sessions Case.

5. In reply, learned counsel for the petitioner would submit that no copy of the rowdy sheet opened against the petitioner is furnished to him. However, a copy is furnished today before the Court by the learned Government Pleader to the learned counsel for the petitioner. In that view of the matter, the learned counsel for the petitioner would submit that the writ petition may be disposed of reserving liberty to the petitioner to pursue remedies

for closure of the rowdy sheet opened against the petitioner and protect the interests of the petitioner, in the meanwhile.

6. Having regard to the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to pursue the remedies, which the law permits for the closure of rowdy sheet opened against him. However, it is made clear that the Police Officer, for the reason that rowdy sheet is opened against the petitioner, shall not repeatedly and regularly call him to the Police Station. This order shall not prevent the Police Officer from calling the petitioner to the Police Station periodically and as and when necessary. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.



M.SEETHARAMA MURTI, J

Date: 13th April, 2018

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