

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.6575 of 2015

ORDER:

The action of the respondents in opening the History (Rowdy) Sheet against the petitioner herein under the Police Standing Orders is under challenge in the present writ petition.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

3. According to the petitioner, he is a resident of Kapileswarapuram village against whom the Sub-Divisional Police Officer, Ramchandrapuram, East Godavari District vide proceedings C.No.50/H.S/SDPO-RCPM/2014 dated 10.10.2014 accorded permission to open History (Rowdy) Sheet, in view of his involvement in Cr.No.55/2004 and Cr.No.52/2005, on the file of Angara Police Station, East Godavari District. The opening of the said History (Rowdy) Sheet is under challenge in the present writ petition.

4. According to the learned counsel for the petitioner, the very opening of the History (Rowdy) Sheet against the petitioner herein is highly arbitrary, illegal and opposed to the very spirit and object of the Police Standing Orders and the law laid down by this Court. It is the further submission of the learned counsel that despite the representation made to the Director General of Police on 27.12.2014, no action has been taken in the direction of redressal of the grievance of the petitioner herein. It is also the submission of the learned counsel that C.C.No.68/2006 which arose out of Cr.No.52/2005 on the file of the Court of Judicial First Class Magistrate, Alamuru ended in acquittal and C.C.No.256/2004 on the file of the Court of the Judicial Magistrate of First Class, Alamuru also ended in acquittal under Section 320 (8) of the Code of Criminal Procedure on

13.11.2009. While referring to the same, it is submitted by the learned counsel for the petitioner that in the absence of any case pending against the petitioner herein, the very continuation of the History (Rowdy) Sheet against the petitioner herein is impermissible and contrary to the Police Standing Orders.

5. On the other hand, it is submitted by the learned Government Pleader that Cr.No.6/2014 registered under the provisions of Section 9 (2) of the Andhra Pradesh Gaming Act is pending as on date.

7. Refuting the said contention, it is contended by the learned counsel for the petitioner that the impugned action of continuation of the History (Rowdy) Sheet against the petitioner herein is contrary to the principles laid down by this Court in the case of *MOHAMMED QUADEER AND OTHERS v. COMMISSIONER OF POLICE, HYDERABAD AND ANOTHER*¹. In the said judgment, this Court at paragraph 31 held as under:

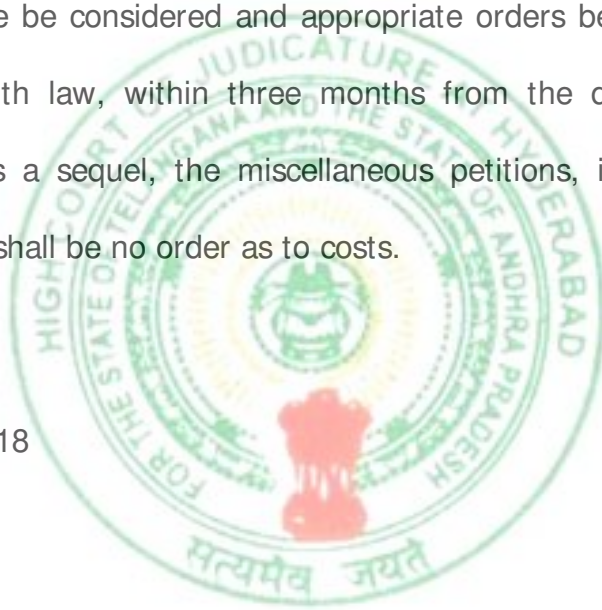
“31. Opening of a rowdy sheet against a citizen is undoubtedly fraught with serious consequences. Article 21 of the Constitution of India guarantees right to life with dignity and the right to live, as a dignified man, carries with it the right to reputation. Right to reputation is an integral part of right to life guaranteed by Article 21, and such a right cannot be deprived except in accordance with the procedure established by law. Such laws which authorize the Police to open rowdy sheets and exercise surveillance are required to be very strictly construed. Opening of the rowdy sheets and retention thereof except in accordance with law would amount to infringement of fundamental right guaranteed by Article 21 of the Constitution of India. It is true that the State is duty bound at all levels to protect the persons and property from the criminals and criminal activity. Prevention of organised crime is an obligation on the part of the State. 8. It is submitted by the learned Government Pleader that without filing any proper application before the Sub-

¹ 1999 (3) ALD 60

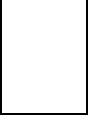
Divisional Police Officer/4th respondent herein, the present writ petition has been filed before this Court directly and it is open for the petitioner herein to file appropriate application before the 4th respondent for his consideration, strictly in accordance with law.”

9. For the aforesaid reasons, writ petition is disposed of, keeping it open for the petitioner herein to file appropriate application before the Sub-Divisional Police Officer, Ramchandrapuram, East Godavari District/ fourth respondent herein enclosing the copy of the order of this Court referred to *supra*, for his consideration, within a period of two weeks from the date of receipt of a copy of this order and if any such application is filed, the same be considered and appropriate orders be passed strictly in accordance with law, within three months from the date of filing such application. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date:05.02.2018
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A.V.SESHA SAI, J



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.6575 of 2015

Dated: 05.02.2018

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