

HONOURABLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION NO: 7864 OF 2014

O R D E R :

This writ petition is filed by the petitioners seeking to issue a writ in the nature of writ of mandamus to declare the action of the respondents in opening the rowdy sheet No.826 and 827 dated 20-1-2009 against the petitioners in the second respondent-police station and continuing the same as illegal,, arbitrary and violative of Article 14, 19 [1] [g] and Article 21 of the Constitution of India and consequently to quash the rowdy sheet and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. The facts of the case are that in the year 2009, Cr.No.108 of 2008 was registered in Gooty Police Station, Ananthapur district for the offences punishable under section 302, 324 read with section 34 IPC against the petitioners and others. The petitioners were arrayed as A-2 and A-3 in the above crime. After completion of investigation, the second respondent filed charge and the same was duly registered and committed to the Court of Sessions, wherein it was registered as SC.No.76 of 2009 on the file of VI-Additional Sessions Judge, Ananthapur. After due trial, the petitioners were acquitted of the charges on 23-3-2010. During the pendency of the above case, the second respondent opened rowdy sheet Nos.826 and 827 against the petitioners 1 and 2

herein on 20-1-2009 and the photographs of the petitioners were taken and the petitioners were directed to make their presence in the Police Station on all important days and also at the time of elections. The second respondent for the reasons best known kept surveillance on the movements of the petitioners. Now the petitioners stated that when the criminal case as stated supra ended in acquittal, continuing the rowdy sheets against them is nothing but to lower down their reputation in the public. Hence, the writ petition.

3. Heard the learned counsel for the petitioners and the learned Government Pleader for Home [AP].

4. The learned Government Pleader submitted written instructions wherein it is stated that in view of the involvement of the petitioners in Cr.No.108 of 2008 of Gooty Police Station, Ananthapur district, which was registered for the offences punishable under section 324, 307, 302 read with section 34 of IPC it had become incumbent on the part of the respondents-police to curb and curtail the unlawful activities of the petitioners and after obtaining permission from the SDPO Tadipatri vide Proceedings No. C.No.4/General/SDPO-T/09, dated 15/1/2009, rowdy sheet Nos. 826 and 827 were opened against the petitioners and it is continued upto 31-12-2014. It is further stated that except opening rowdy sheets against the petitioners, the second respondent never harassed the petitioners or interfered

with the life and liberty of the petitioners by calling them to Police Station at any point of time.

5. After hearing the learned counsel for the petitioners and the learned Government Pleader and also on perusing the written instructions, it appears that the second respondent continued the rowdy sheets in Gooty Police Station till 31-12-2014 consequent upon the involvement of the petitioners in SC.No.76 of 2009 on the file of the Court of VI Additional Sessions Judge, Ananthapur, and the same ended in acquittal on 23-03-2010.

6. Hence, in the light of the above facts and circumstances, as the criminal case against the petitioners ended in acquittal on 23-3-2010 and the second respondent continued the rowdy sheets till 31-12-2014, this Court deems it appropriate to allow this writ petition and rowdy sheet is quashed.

7. In the result, the writ petition is allowed. No costs.

8. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE T. AMARNATH GOUD.

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[RESULT : ALLOWED]

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