

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

W.P. No.12323 of 2019

ORDER:

This writ petition is filed seeking to declare the action of the respondents in continuing the rowdy sheet against the petitioner, opened vide proceedings of the 4th respondent dated 15.10.2018 despite quashing of the FIR No.972 of 2017 dated 11.11.2017 on the file of Mailardevpally Police Station, Cyberabad, Ranga Reddy District by this Court in CrI.P.No.11950 of 2017 dated 31.12.2018 as illegal and unconstitutional and to issue a consequential direction to the respondents 2 to 6 to close the rowdy sheet opened against the petitioner.

Brief case of the petitioner is that he was falsely implicated in Crime No.972 of 2017 with the Mailardevpally Police Station under Sections 307 IPC read with Section 25(1)(B), 27(1) of Arms Act. Based on the said crime, the Police have opened a rowdy sheet against him. It is also the case of the petitioner that he filed a CrI.P.No.11950 of 2017 before this Court seeking to quash the said crime and the same was quashed by this Court. Even in spite of no case is pending against him, the Police are continuing rowdy sheet against him. Hence, he filed the present writ petition.

Heard the learned counsel, Sri Vedula Srinivas, appearing for the petitioner and the learned Assistant Government Pleader for Home for the respondents and perused the material placed on record.

The learned counsel for the petitioner submits that based on the single offence a rowdy sheet was opened against the petitioner, which is contrary to the A.P. Police Standing Orders, much less, the petitioner cannot be called a rowdy in terms of the said Standing Orders as none of the categories of the said Standing Orders are attracted, more particularly, since the petitioner is not an habitual offender involving in any breach of peace, disturbance to public order and security. He further submitted that insofar as the crime, which is basis for opening a rowdy sheet against the petitioner i.e. Crime No.972 of 2017 dated 11.11.2017, has been quashed by this Court on 31.12.2018 in I.A. No.1 and 2 of 2018 in CrI.P.No.11950 of 2017. The learned counsel drew the attention of this Court to the judgment reported in **M.MALLA REDDY Vs. STATE OF TELANGANA AND OTHERS**¹ wherein this Court had gone into the details as to when a rowdy sheet can be opened and continued. He also submitted that persons who habitually commit, attempt to commit or abet the commission of offence involving a breach of the peace, disturbance to public order and security a rowdy sheet can be opened. But in the instant case, none of the above is attracted to the petitioner. Therefore, he seeks to allow the writ petition.

It is to be noted here that there is no dispute regarding the crime registered earlier against the petitioner was quashed and no other case is registered nor pending before any of the Police Stations.

¹ 2016 (1) ALD (CrI.) 591

Having regard to the facts and circumstances of the case and the submissions made by the learned counsel on either side, impugned Proceedings dated 15.10.2018 of the 4th respondent, Assistant Commissioner of Police, Rajendranagar Division, by which the rowdy sheet has been opened against the petitioner, are hereby quashed.

Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

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

Date: 25.09.2019
LSK

JUSTICE T.VINOD KUMAR

