

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NO: 43573 OF 2022

Between:

Md. Khaja Pasha, S/o. Khaja Moinuddin, aged about 46 years, Occ Journalist,
R/o. H.No.18-527/5/ 1, Raitu Colony, Shadnagar, Farooqnagar (M), Ranga
Reddy District, State of Telangana.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principle Secretary, Department of Home, Secretariat, Hyderabad, Telangana.
2. The Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Cyderabad, Hyderabad, Telangana - 500032.
3. The Inspector of Police cum SHO, Shadnagar Police Station, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an Order or Direction more particularly one in the nature of Writ of Mandamus, declare the action of Respondents in continuing the Rowdy sheet No.22, dated 28-08-2015 on the file of police Shadnagar Police Station and their interference into peaceful life of the petitioner by calling him to Police Station, MRO and RDO Offices, repeatedly threatening dire consequences though all criminal cases ended in acquittal except one pending case in trial is being illegal, arbitrary and unconstitutional and against the Article-19, 21 and 22 of the constitution, consequently, declare the continuation of the Rowdy sheet No.22, dated 28-08-2015, against Petitioner by police Shadnagar Police Station as illegal, unconstitutional and set aside the same in the interest of justice

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass interim direction to the Respondents not to interfere into the petitioner life by calling to the Shadnagar Police Station and not to compel him to appear, sit

pending disposal of the main Writ Petition and to pass such other order or orders as this Honble Court deems fit and proper in the circumstances of the case and in the interest of justice

Counsel for the Petitioner: SRI LAXMAN BABU

Counsel for Respondents: GP FOR HOME

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.43573 OF 2022

ORDER :

The petitioner is aggrieved by the action of the respondents in opening rowdy sheet against him on the file of Shadnagar Police Station.

2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Home, and perused the material available on record.

3. A rowdy sheet was opened against the petitioner for his involvement in the following cases:

(i) Crime No.140/2010 of Shadnagar Police Station, Cyberabad Commissionerate, for the offences under Sections 309 and 109 of Indian Penal Code, 1860 (for short 'IPC'). The case ended in acquittal on 09.08.2017 vide Calender Case No.193/2016 before the Honourable Additional Judicial Magistrate of First Class, Shadnagar.

(ii) Crime No.98/2012 of Shadnagar Police Station, Cyberabad Commissionerate, for the offences under Sections 447 and 427 r/w 120-B of IPC. The case ended in acquittal on 17.06.2022 vide Calender Case No.384/2013 before the Honourable Additional Judicial Magistrate of First Class, Shadnagar.

(iii) Crime No.491/2014 of Shadnagar Police Station, Cyberabad Commissionerate, for the offence under Section 306 IPC (Sec. 302 IPC). The case is pending trial vide Sessions Case No.317/2017 before the Hon'ble trial Court.

(iv) Crime No.564/2014 of Shadnagar Police Station, Cyberabad Commissionerate, for the offences under Sections 447, 427 and 506 IPC. The case ended in acquittal on 30.03.2022 vide Calender Case No.619/2016 before the Hon'ble Addl. Judicial Magistrate of First Class, Shadnagar.

(v) Crime No.565/2014 of Shadnagar Police Station, Cyberabad Commissionerate, for the offences under Sections 447, 427 and 506 IPC. The case ended in acquittal on 08.12.2021 vide Calender Case No.620/2016 before the Hon'ble Addl. Judicial Magistrate of First Class, Shadnagar.

(vi) Crime No.36/2015 of Shadnagar Police Station, Cyberabad Commissionerate, for the offence under Section 145 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C').

(vii) Crime No.307/2021 of Shadnagar Police Station, Cyberabad Commissionerate, for the offences under Sections 384, 385, 506 of IPC and 156 (3) Cr.P.C. The case was quashed vide Calender Case No.1160/2021 by this High Court on 22.03.2022.

4. It may be noted as per para 4 of the counter affidavit, eight (8) cases are shown pending against the petitioner. However, the cases shown at serial (ii) and (iii) therein are one and the same as CC.No.384 of 2013 arises out of Crime No.98 of 2012.

5. Learned counsel for the petitioner pointed out that the Calender Case No.384 of 2013 on the file of Additional Judicial Magistrate of First Class, Shadnagar, arising out of Crime No.98 of 2012 of Shadnagar Police Station, which is cited at serial number (ii) above, ended in acquittal. The judgment copy in CC.No.384 of 2013 is enclosed in the documents annexed to the writ petition. So also the cases referred at serial numbers (i), (iv) and (v) ended in acquittal. The case in Crime No.307 of 2021 of Shadnagar Police Station, shown at serial number (vii), was quashed. Only two cases shown at serial numbers (iii) and (vi) above i.e., Crime No.36 of 2015 of Shadnagar Police Station and Sessions Case No.317 of 2017 are pending.

6. Crime No.36 of 2015 of Shadnagar Police Station, which is shown at serial number (vi), is registered under Section 145 of Cr.P.C and the same arises out of property dispute, as such, the same cannot be treated as an offence. Section 145 Cr.P.C deals with the power of Executive Magistrate in passing order of attachment when there is

dispute in connection with property and there is element of breach of peace and public tranquility. Therefore, the same could not have been included as one of the offences committed by the petitioner for the purpose of opening rowdy sheet. Thus, after excluding all other cases which have ended in acquittal/quashment, only one case shown at serial number (iii) remains pending against the petitioner. In view of the judgment in **UMESH SINGHANIYA v. THE COMMISSIONER OF POLICE, HYDERABAD**¹ continuance of rowdy sheet on the basis of single crime is not permissible under law.

7. Learned Assistant Government Pleader for Home requested this Court to give liberty to the respondents to open rowdy sheet against the petitioner, if the petitioner is found involved in any other criminal cases.

8. Accordingly, the writ petition is allowed. Rowdy sheet opened against the petitioner shall stand closed forthwith. It is made clear that if subsequently the petitioner is found involved in more than two criminal case and conditions prescribed in Order 601 of Telangana Police Manual are attracted, police are at liberty to open rowdy sheet against him by following due process of law.

¹ 2011 (3) ALT 146

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition stand closed. No order as to costs.

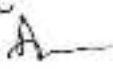
SD/-A. PRATHIMA
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Principle Secretary, Department of Home, State of Telangana, Secretariat, Hyderabad, Telangana.
2. The Commissioner of Police, Cyberabad Commissionerate, Gachibowli, Cyderabad, Hyderabad, Telangana - 500032.
3. The Inspector of Police cum SHO, Shadnagar Police Station, Ranga Reddy District.
4. One CC to Sri Laxman Babu Advocate [OPUC]
5. Two CCs to GP For Home, High Court for the State of Telangana. [OUT]
6. Two CD Copies

MBC
BS 

HIGH COURT

DATED: 14/12/2022



ORDER

WP.No.43573 of 2022

ALLOWING THE WRIT PETITION

WITHOUT COSTS

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MA
4/1/23