

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

TUESDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION NO: 12341 OF 2020

Between:

Ahmed Saadi, S/o Late Saleh Saadi, Aged about 49 years, Occ. Business,
Rio H.No.14-207, Wadi-e-Umer, Shaheen Nagar, Saroornagar, Rangareddy
District, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Secretariat, Hyderabad.
2. The Commissioner of Police, Rachakonda Police Commissionerate, Vayupuri, beside Malkajgiri court complex, Secunderabad.
3. The Deputy Commissioner of Police, L.B.Nagar Zone, R.R.District.
4. The Assistant Commissioner of Police, Vanasthalipuram, R.R.District.
5. The Station House Officer, Balapur Police Station, Balapur, 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 issue a Writ, or direction more particularly one in the nature of Writ or Mandamus declaring the action of the respondent police in harassing the petitioner and calling the petitioner to the police station to bind over without there being any case pending against the petitioner and the illegal action of the respondent police in harassing and further directing the to appear before the respondent No.4's office, failing which they are harassing me and my family members and further the police not adhering to the orders of this Honble Court passed in W.P.No,39461 of 2016 dt.2-1-2017 and W.P.No.22390 of 2017 dt.07-07-2017 as arbitrary, illegal and in violation of Articles 14 and 21 of the Constitution of India and consequently specifically direct the respondent police to close the rowdy sheet against the petitioner

IA NO: 1 OF 2020

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 direct the respondent police specifically to close the rowdy sheet against the petitioner herein by adhering to the orders of the Hon'ble High Court passed in W.P.No.39461 of 2016 dt.2-1-2017 and W.P.No.22390 of 2017 dt.07-07-2017, by not binding over the petitioner by the 4th respondent, pending disposal of the writ petition

Counsel for the Petitioner: SRI L. RAM SINGH

Counsel for Respondents: AGP FOR HOME

The Court made the following: ORDER

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.12341 OF 2020

ORDER:

This writ petition is filed aggrieved by the action of the respondent police in opening rowdy sheet against the petitioner.

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

3. Learned counsel for the petitioner submitted that there are no criminal cases pending against the petitioner as of now.

4. In the counter affidavit filed by respondent No.4, at paragraph 3, the details of 28 criminal cases, wherein the petitioner was involved, have been stated.

5. Learned Assistant Government Pleader for Home submitted that the petitioner is a habitual offender and in order to keep a watch on his activities and to curtail his unlawful activities, rowdy sheet has been opened against him. However, it is not in dispute that out of 28 cases registered against the petitioner, 27 cases have ended in acquittal/closure/action dropped, and only one case i.e., Crime No.10 of 2004 on the file of Chandrayangutta Police Station, which is shown at Serial No. (xix) of the counter affidavit, wherein a charge sheet has

been filed *vide* C.C.No.383 of 2011 is pending.

6. Learned counsel for the petitioner submitted that as per his instructions, the only case i.e., C.C.No.383 of 2011, which is stated to have been pending against the petitioner as per the contents of the counter affidavit, also ended in acquittal.

7. As held in **Mansoor Shah Khan v. State of Telangana** (W.P.No.22980 of 2020 dated 01.06.2021), there has to be at least two criminal cases pending against a person for opening rowdy sheet against such a person. In the instant case, there is only one case pending against the petitioner as per the contents of the counter affidavit. Thus, continuance of rowdy sheet against the petitioner is unsustainable in view of the judgment in **Mansoor Shan Khan's** case referred supra.

8. Accordingly, the writ petition is allowed directing the respondents to forthwith close the rowdy sheet opened against the petitioner. However, this order does not prevent the police to open rowdy sheet against the petitioner if he is involved in more than two criminal cases and the conditions under Standing Order 601 of the Telangana State Police Manual are attracted.

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

SD/- K.SREERAMA MURTY
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner of Police, Rachakonda Police Commissionerate, Vayupuri, beside Malkajgiri court complex, Secunderabad.
3. The Deputy Commissioner of Police, L.B.Nagar Zone, R.R.District.
4. The Assistant Commissioner of Police, Vanasthalipuram, R.R.District.
5. The Station House Officer, Balapur Police Station, Balapur, Ranga Reddy District.
6. One CC to Sri L Ram Singh Advocate [OPUC]
7. Two CCs to GP For Home, High Court for the State of Telangana. [OUT]
8. Two CD Copies

MBC

BS

HIGH COURT

DATED: 24/01/2023



ORDER

WP.No.12341 of 2020

ALLOWING THE WRIT PETITION

WITHOUT COSTS

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MA.
25/1/23