

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.41424 of 2017

ORDER:

This writ petition is filed challenging the rowdy sheet opened against the petitioner vide proceedings C.No.14/VMD/2017 dated 5.6.2017 as arbitrary and illegal.

2. It is the case of the petitioner that there are only two cases registered against him and there is no element of breach of peace and public tranquility and the conditions prescribed under the Police Manual are not attracted.

3. The learned Assistant Government Pleader for Home submitted that the present status of the criminal cases pending against the petitioner is not known and requested time for getting further information.

4. In the counter filed by respondent No.4, it is stated that there are only two cases pending against the petitioner viz., (1) Crime No.159 of 2017 registered under Section 384 read with Section 511 of CPC of Vemulawada Police Station, wherein charge sheet was filed and C.C. number is awaited and (2) Crime No.160 of 2017 registered under Sections 67, 67A of Information Technology Act and Section 292 of IPC of

Vemulawada Police Station, wherein charge sheet was filed and C.C. number is awaited.

5. Taking into consideration of the above, rowdy sheet was opened against the petitioner, which is contrary to the judgment of this Court in **MANSOOR SHAH KHAN v. STATE OF TELANGANA** (W.P.No.22980 of 2020 dated 01.06.2021), wherein it was held that opening and continuation of rowdy sheet, unless the person is involved in more than two cases, is not permissible.

6. For the foregoing reasons, the writ petition is allowed and the rowdy sheet opened against the petitioner shall be closed forthwith. However, respondents are granted liberty to open rowdy sheet against the petitioner if he is involved in more than two cases. The miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

B. VIJAYSEN REDDY, J

Date: 3.2.2023
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