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

WEDNESDAY, THE TWENTY SEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 30330 OF 2024

Between:

Mohammed Sharuf Khan, S/o. Mohammed Shahnawaz Khan, Aged about. 22 years, Occ. Student, R/o.6-1-358, beside Girish Bakery, New Bhoiguda, Secunderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Commissioner of Police, Hyderabad Police Commissionerate.
3. The Deputy Commissioner of Police, North Zone, Hyderabad.
4. The Asst. Commissioner of Police, Gopalapuram Division, Hyderabad.
5. The Station House Officer, Gopalapuram Police Station

...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 an order, direction or writ more appropriately Writ of Mandamus declaring the action of the Respondents herein more particularly 5th Respondent herein i.e., Station House Officer, Gopalapuram Police Station, Hyderabad, in opening and maintaining a rowdy sheet of the petitioner is as illegal, arbitrary and violative principles of natural justice and violative the Articles 14, 15 and 21 of Constitution of India and contrary to the Police Standing Orders in respect of the maintaining Of rowdy sheet and direct the Respondents herein not to harass call or interfere with the personal life and liberty of the petitioner, till the disposal of the main Writ Petition.

IA NO: 1 OF 2024

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 Respondents herein not to harass, call or interfere with the personal life and liberty of the Petitioner, till disposal of the main Writ Petition.

Counsel for the Petitioner: SRI M.A.MUJEEB

Counsel for the Respondents: SRI B.SRIDHAR, AGP FOR HOME

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.30330 OF 2024

ORDER:

The writ petition is filed aggrieved by the action of the respondents in opening the rowdy sheet against the petitioner, without following due process of law, as being arbitrary and illegal.

2. Heard Mr. M.A. Mujeeb, learned counsel for the petitioner and Mr. B. Sridhar, learned Assistant Government Pleader for Home.

3. In the counter affidavit filed by respondent No.4 - the Assistant Commissioner of Police, Gopalapuram Division, Hyderabad, it is stated that petitioner is involved in a solitary crime i.e., (i) Crime No.168 of 2021 of Gopalapuram Police Station, wherein charge sheet was filed in S.C.(PCS) No.304 of 2021 and is pending trial before the learned I Additional Metropolitan Sessions Judge, Hyderabad.

4. As per the decision of this Court in **MAJID BABU V. HOME SECRETARY, GOVERNMENT OF ANDHRA**

PRADESH[1], in order to classify a person as a habitual offender, he should be involved in more than two criminal cases. Following the aforesaid judgment, this Court in **Mansoor Shah Khan v. State of Telangana** (W.P.No.22980 of 2020 dated 01.06.2021), held that rowdy sheet cannot be opened against a person unless he is involved in more than two criminal cases. The requirement of involvement in at least more than two cases for inferring the petitioner herein as habitual offender is not established in this case. Hence, the continuance of rowdy sheet against the petitioner is unsustainable.

5. In view of the above, the writ petition is allowed. The respondents are directed to forthwith close the rowdy sheet opened against the petitioner. However, this order shall not preclude the respondent authorities to open a rowdy sheet against the petitioner, if the petitioner is involved in more than two (2) criminal cases, by following due process of law and in accordance with the conditions prescribed in the Order No.601 of the Telangana State Police Manual (TSPM). There shall be no order as to costs.

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[1] (1987) 2 ALT 904

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed.

SD/- K. AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home Department, Secretariat, Hyderabad, State of Telangana.
2. The Commissioner of Police, Hyderabad Police Commissionerate.
3. The Deputy Commissioner of Police, North Zone, Hyderabad.
4. The Asst. Commissioner of Police, Gopalapuram Division, Hyderabad.
5. The Station House Officer, Gopalapuram Police Station
6. One CC to SRI M.A.MUJEEB, Advocate [OPUC]
7. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies

BSR
GJP

HIGH COURT

DATED: 27/11/2024



ORDER

WP.No.30330 of 2024

ALLOWING THE WRIT PETITION,

WITHOUT COSTS

PA
28/12/24
10 Copies