

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Writ Petition No.18179 of 2023

Order :

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following prayer;

“...to issue a Writ of Mandamus or any other appropriate Writ or Writs Order or Direction declaring the action of Respondents in retaining and continuing Rowdy Sheet vide Rowdy Sheet No 614 against the petitioner on the file of 4th Respondent as illegal, arbitrary contrary to A.P.Police Standing Order Nos. 742 and 602.1 Chapter 37 of A.P. Police Manual and violative of Arts.19(1)(d), 19(1)(g) and 21 of Constitution of India and to consequently direct the Respondents to forth with close the above Rowdy Sheet opened against the petitioner and pass....”

2. Case of the writ petitioner is that he is the resident of Sangamesh Nagar in Ananthapuram Town. He was falsely implicated as an accused in Crime No.232 of 2015, pursuant to which, a Rowdy Sheet was opened against him vide Rowdy Sheet No.614 by I Town Police, Ananthapuram. Police, after conducting investigation in Crime No.232 of 2015, filed charge sheet and the same was taken on file as

Sessions Case No.61 of 2016 on the file of the IV Additional Sessions Judge (FTC), Ananthapuram. After full-fledged trial, he was acquitted of the charges in the said case. Since no case is registered against him after 2015, the Rowdy Sheet opened against him ought to have been closed. Hence, the Writ Petition.

3. A counter affidavit has been filed by the respondent No.3 stating that a case in Crime No.232 of 2015 for the offences punishable under Sections 147, 148, 302, 109, 212 r/w 149 IPC against the petitioner herein. Police, after conducting investigation in Crime No.232 of 2015, filed charge sheet and the same was taken on file as Sessions Case No.61 of 2016 on the file of the IV Additional Sessions Judge (FTC), Ananthapuram. After full-fledged trial, he was acquitted of the charges in the said case. Thereafter Cr.Nos.110 of 2018 and 345 of 2020 were registered against the petitioner for the offences punishable under Sections 110(e) Cr.P.C. and 107 Cr.P.C. of Ananthapuramu I Town Police Station. It is further stated that to curb and curtail the unlawful activities of the petitioner herein in the vicinity, the Inspector of Police, II Town Police Station,

Ananthapuramu, opened rowdy sheet against the petitioner herein after getting permission from the Sub Divisional Police Officer, Ananthapuramu. Except the above said cases, no other case is registered or pending against the petitioner herein.

4. Heard. Perused the material on record.

5. Case of the writ petitioner is that he is the resident of Sangamesh Nagar in Ananthapuram Town. He was falsely implicated as an accused in Crime No.232 of 2015, pursuant to which, a Rowdy Sheet was opened against him *vide* Rowdy Sheet No.614 by I Town Police, Ananthapuram. Police, after conducting investigation in Crime No.232 of 2015, filed charge sheet and the same was taken on file as Sessions Case No.61 of 2016 on the file of the IV Additional Sessions Judge (FTC), Ananthapuram. After full-fledged trial, he was acquitted of the charges in the said case.

6. As per APPM Order No.601, the following persons may be classified as rowdies and rowdy sheets may be opened for them under the orders of the SP/DCP and ACP/SDPO.

“1. Persons, who habitually commit, attempt to commit or abet the commission of offences involving a breach of the peace, disturbances to public order and security.

2. Persons bound over under Sections 106, 107, 108(1) and 110(e) and (g) of Cr.P.C.

3. Persons who have been convicted more than once in two consecutive years under Sections 59 and 70 of the Hyderabad City police Act or under Section 3, Clause 12 of the AP Town Nuisances Act.

4. Persons who habitually tease women and girls and pass indecent remarks including offences under Sections 354-A, B, C and 354-D IPC.

5. Persons who have been charge sheeted under the offence of Rape (376, 376-A, B, C, D and E IPC).

6. Persons who have been charge sheeted under the offences of POCSO Act, 2012 and Acid Attacks (326A and 326B of IPC).

7. Rowdy sheets for the rowdies residing one police station area but found frequenting the other police stations area, can be maintained at all such police stations.

8. Persons who intimidate by threats or use of physical violence or other unlawful means to part with movable or immovable

properties or in the habit of collecting money by extortion from shopkeepers, traders and other residents including 'loan sharks'.

9. Persons who incite, instigate and participate in communal/caste or political riots.

10. Persons detained under the AP Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 for a period of 6 months or more.

11. Persons on whom charge sheets filed under the offence of assault on public servants, under Arms Act and such other offences punishable with imprisonment of 2 years or more.

12. Persons on whom charge sheets filed under the offence of murder and attempt to murder (302 and 307 IPC).

13. Persons on whom charge sheets filed under the offence of chain snatching.

14. Persons who are convicted under the Representation of People Act, 1951 for rigging, carrying away, damaging ballot paper, boxes and polling material.”

Standing Order 602 (2) stipulates that merely because a suspect/rowdy having a history sheet is not

figuring as accused in the previous 5 years after the last case in which he was involved, it should not preclude the SP/DCP/CP to continue his history sheet if SP/DCP/SP is of the considered view that his activities are prejudicial to the maintenance of public order or one affecting peace and tranquility in the area or the victims are not coming forward to give complaint against him on account of threat from him.

7. As on today, except the aforesaid cases, there are no cases pending against the petitioner herein. Hence, continuation of rowdy sheet against the petitioner herein would amount to abuse of process of the Court.

8. In view of the aforesaid facts and circumstances of the case, the Writ Petition is allowed and the rowdy sheet No.614 opened against the petitioner herein is hereby quashed. There shall be no orders as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

K. SREENIVASA REDDY, J.

27.9.2023
GR

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Writ Petition No.18179 of 2023

27.9.2023

GR