

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY  
TWO THOUSAND AND NINE

PRESENT  
**THE HON'BLE MR JUSTICE N.V. RAMANA**  
**WRIT PETITION NO : 2229 of 2009**

Between:

B.Satyanarayana S/o. Pentaiah Goud  
R/o. Kishen Nagar, Firozguda Mandal, Mahaboobnagar District.  
**..... PETITIONER**

AND

- 1 The State of A.P. Rep. by its Principal Secretary (Home) Secretariat ,  
Saifabad  
Hyderabad.
  - 2 The Superintendent of Police Mahaboobnagar District at  
Mahaboobnagar .
  - 3 Station House Officer, P.S. Shadnagar, Mahaboobnagar District at  
Shadnagar.
- .....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in opening a Rowdy Sheet No. 3/RS-SNR/2008 in the name of the petitionr, at P.S. Shadnagar as illegal, and void and consequently direct the respondents to delete the petitioners name from the said Rowdy sheet in the interest of justice and fair play and be pleased to pass

**Counsel for the Petitioner:MRP.V.SANJEEVA RAO**

**Counsel for the Respondent No.: GP FOR HOME**

**The Court made the following :**

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**THE HON'BLE SRI JUSTICE N.V. RAMANA**

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**W.P. No. 2229 of 2009**

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**Oral order:**

Invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner filed the present writ petition, praying for the following relief:

To issue an appropriate writ, order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents in opening Rowdy Sheet No. 3/RS-SNR/2008 in the name of the petitioner at P.S. Shadnagar, as illegal and arbitrary, and consequently direct the respondents to close the rowdy sheet opened against the petitioner.

The petitioner is a Police Constable, and states that since 2006 he is on medical leave. He states that he was falsely implicated as accused No.1 in Crime No. 252 of 2008 dated 08.06.2008 on the file of Shadnagar Police Station, for the offences punishable under Sections 448 and 387 r/w. Section 34 IPC. That the police have also filed charge sheet in the said case. While so, the petitioner states that based on the above criminal case registered against him, respondents have opened a rowdy sheet against him. It is to quash the said rowdy sheet, as stated above, the petitioner filed the present writ petition.

On behalf of the respondents, respondent No.3, namely the Inspector of Police, Shadnagar, filed counter stating that the petitioner along with one other person is involved in Crime No. 252 of 2008 dated 08.06.2008 on the file of Shadnagar Police Station, for the offences punishable under Sections 448 and 387 r/w. Section 34 IPC. As it came

to the notice of respondent No.3 that the petitioner is indulging in illegal settlement of several land disputes, he after obtaining permission from the Sub Divisional Police Officer, Shadnagar, opened rowdy sheet against the petitioner on 11.08.2008. Placing reliance on Police Standing Order No. 601-F, the respondents sought to justify opening of rowdy sheet against the petitioner, even though only one crime is registered against him, stating that rowdy sheet can be opened against persons who intimidate by use of threat and physical violence or unlawful means to part with movable or immovable properties or who is in the habit of collecting money or indulges in extortion activities. It is contended that with a view to curtail the illegal activities of extortion by the petitioner, rowdy sheet has been opened, and prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home for the respondents.

Though the respondents contend that it came to their notice that the petitioner is indulging in illegal settlement of land disputes, and therefore, to curb such illegal activities of the petitioner, they opened the rowdy sheet, the admitted fact remains, only one case, i.e. Crime No. 252 of 2008 dated 08.06.2008 on the file of Shadnagar Police Station, for the offences punishable under Sections 448 and 387 r/w. Section 34 IPC, has been registered against the petitioner. In the said crime, charge sheet is filed, and it is registered as C.C. No.524 of 2008. Except this crime, the respondents were not able to say whether there is any other crime registered against the petitioner either within the jurisdiction of respondent No.3-police station or any other police station. A Division Bench of this Court in **B. Satyanarayana Reddy v. State of Andhra Pradesh** <sup>[1]</sup>, considered the question of justifiability of the police in opening rowdy sheet against a person who was involved in only one crime, in the light of the expressions “habitually commit”, “attempt to commit” and “abet the commission of offences”, employed in S.O. 742, and held in paragraphs 15, 18 and 19, as follows:

The very expressions “habitually commit”, “attempt to commit” and “abet the commission of offences” indicate the requirement that at least two or more cases have been registered against the person concerned to characterize such person as a person who habitually commit, attempt to commit or abet the commission of offences.

Unless the acts complaint of are more than one, it cannot be held that the involvement of a person even in a solitary case itself forms the basis for classifying such person as “habitually committing the offences” involving disturbance to the public peace and tranquility.

The appellant in the instant case is involved in one criminal case and charge-sheet was filed against him under Sections 324, 323 read with Section 34 of the Indian Penal Code. The offences alleged against the appellant herein have nothing to do with the breach of peace. That solitary incident, in which the appellant herein is alleged to have involved, itself cannot constitute any basis or ground to classify him as a rowdy sheeter.

In the case on hand, as admitted by the respondents, the petitioner is involved only in one case, referred to above, in which charge sheet is also filed. Except that case, he is said to be not involved in any case either within the jurisdiction of respondent No.3-police station or any other police station. Since the petitioner is involved only in one case, the same by itself cannot form basis for the respondents to justify opening of rowdy sheet against the petitioner, and therefore, having regard to the judgment of the Division Bench of this Court in **B. Satyanarayana Reddy v. State of Andhra Pradesh**, it is appropriate that the respondents should be directed to close the impugned rowdy sheet opened against the petitioner on the file of respondent No.3-police station.

Hence, the writ petition is allowed. The respondents are directed to close the impugned rowdy sheet opened against the petitioner. This order, however, does not preclude the respondents from opening the rowdy sheet against the petitioner if there is any substantial material to suggest that he is habitually committing or attempting to commit or abetting the commission of offences. No costs.

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**N.V. RAMANA, J.**

**Date: 27<sup>th</sup> February, 2009**  
**KSR**

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[\[1\]](#) 2004 (1) ALD (CrI.) 387 (AP)