

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2015

BEFORE

THE HON'BLE MR. JUSTICE A.S. BOPANNA

WRIT PETITION NO.41420/2014 (GM- RES)

BETWEEN:

G R SUDHEENDRA
S/O G M RAGHAVENDRA
AGED 39 YEARS
R/AT "MAYURA ALIGNMENT AND
SERVICE STATION"
B H ROAD
TUMKUR – 572 102

... PETITIONER

(BY SRI. H S CHANDRAMOULI, SR. COUNSEL FOR
SRI. K A CHANDRASHEKAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPARTMENT OF HOME
VIDHANA SOUDHA
BANGALORE – 560 001
2. THE SUPERINTENDENT OF POLICE
TUMKUR DISTRICT
TUMKUR – 572 102
3. THE SUB INSPECTOR OF POLICE
NEW EXTENSION POLICE STATION
TUMKUR – 572 102

4. THE CIRCLE INSPECTOR OF POLICE
TILAK PARK CIRCLE
TUMKUR – 572 102

... **RESPONDENTS**

(BY SRI. VIJAYAKUMAR A PATIL, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED. 24.12.2013 ANNEXURE –D ON THE FILE OF THE R-2 SUPERINTENDENT OF POLICE, TUMKUR DISTRICT, TUMKUR VIDE ANNEXURE –D AND TO DECLARE THE SAME AS ILLEGAL AND UNCONSTITUTIONAL.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court assailing the order dated 24.12.2013 at Annexure-D whereby the name of the petitioner has been included in the rowdy register.

2. The case of the petitioner is that he is leading a very respectable life and is not involved in any criminal activities, though due to certain unavoidable circumstance one case has been registered against the petitioner, that itself was not sufficient to include the

name of the petitioner in the rowdy register. It is in that view, the petitioner is seeking that his name be deleted.

3. The respondents in order to include and continue the name of any person in rowdy register, the conditions as stipulated in Order No.1059 of the Police Manual would have to be satisfied. If that be the position, the case of the petitioner is required to be taken note in that light. Further, the respondents authorities are also required to re-assess the situation and thereafter came to the conclusion as to whether the name should continue or not.

4. In the instant case, even if the name of the petitioner has been continued after the initial period of the first year, the respondents would have to take note of the fact as to whether the petitioner has involved himself in repeated offences as provided under Order 1059 of the Police Manual. Insofar as the case which is referred to as at Annexure-C, it is the offence alleged under the Chit Fund Act and in that light the provisions of the Indian

Penal Code has been invoked. If that be the position, that alone would not be sufficient for including the name in the rowdy register. However, the respondents would also have to take note of the situation subsequent to the Order made for inclusion and thereafter take a decision in the matter.

To enable the same, the petitioner shall file the representation before the Additional Superintendent of Police, Tumkur District enclosing a copy of this order. The Additional Superintendent of Police shall secure the details and if the name of the petitioner is being continued in the rowdy register for the only offence that has referred to as at Annexure-C to the petition, shall pass appropriate orders to direct deletion of the name of the petitioner from the rowdy list. However, if there are any other instances, the details of the same shall be furnished to the petitioner. The decision in this regard shall be taken by the Additional Superintendent of Police within six weeks from the date on which the representation is made.

The petition is disposed of with the above directions.

**Sd/-
JUDGE**

*AP