

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**WRIT PETITION No.634 OF 2022**

**ORDER:-**

This writ petition for a Mandamus is filed to declare the action of the respondents 2 to 4 in opening rowdy sheet No.199 against the petitioner, as illegal, arbitrary and violative of A.P. Police Standing Order No.742 and consequently sought direction to the respondents 2 to 4 to close the said rowdy sheet which was opened against the petitioner.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home appearing for respondents 1 to 4.

3. The petitioner claims to be an agriculturist. It is stated that he has been eking out his livelihood by doing agriculture. He further states that earlier a case in Crime No.76 of 2011 for the offence punishable under Section 302 r/w 34 of the Indian Penal Code, 1860, was registered against him in Mangalagiri Rural Police Station and he was shown as accused No.4 in the said crime. The petitioner states that after full-fledged trial conducted in the Court of III Additional District and Sessions Judge, Guntur, he was acquitted in the said case of all the charges as per Judgment dated 21.03.2014. No other case is pending against him. However, it is stated that the respondents have opened a rowdy sheet No.199 against him earlier on the ground that he was involved in the said criminal case. But even after he was acquitted in the said criminal case, it is stated that the police did not close the said rowdy sheet and they are

continuing the same. Therefore, challenging the said action of the respondents in continuing the said rowdy sheet and not closing the same, the present writ petition is filed.

4. The matter is squarely covered by earlier order of this Court passed in W.P.No.24672 of 2020, wherein this Court clearly held that when in a sole crime that was registered against the petitioner, he was acquitted and no other crime was registered against him and when there is no material on record placed by the police to show that the activities of the petitioner are prejudicial to the interest of the public and that no person is coming forward to complain against him, that the continuation of rowdy sheet in the said facts and circumstances of the case, is not sustainable under law.

5. The aforesaid analogy squarely applies to the present facts of the case. In the instant case also, as on today, no crime is pending against the petitioner. He was already acquitted in the sole crime that was registered against him. There is no material produced before this Court to show that his activities at present are prejudicial to the interest of the public order or that any person aggrieved by the same, is not coming forward to lodge complaint against him. Therefore, in the absence of any such material on record, continuation of the said rowdy sheet that was opened against the petitioner is clearly unsustainable under law. There is absolutely no justification in continuing the said rowdy sheet that was opened against the petitioner. it is contrary to the provisions of A.P. Police Standing Orders.

6. Therefore, in view of the aforesaid earlier order of this Court in W.P.No.24672 of 2020 and for the reasons stated therein, this Writ Petition is allowed declaring the action of respondent-police officials in continuing the said rowdy sheet against the petitioner without closing the same as illegal and unconstitutional. Consequently, the respondent-police officials are hereby directed to forthwith close the rowdy sheet No.199 that was opened against the petitioner. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, in this Writ Petition, shall stand closed.

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**JUSTICE CHEEKATI MANAVENDRANATH ROY**

Date : 19-01-2022

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