

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**Writ Petition No.6423 of 2014****ORDER:**

This Writ Petition for a mandamus is filed to declare the action of respondents 3 and 4 in opening the rowdy sheets against the petitioners, as illegal, arbitrary, unconstitutional and consequently, sought for quash of the said rowdy sheets opened against the petitioners.

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Home for respondents 1 to 5.

3. A case in Crime No.89 of 2012 of Gospadu Police Station for the offences punishable under Sections 302, 307, 324 r/w.34 of IPC and Section 25 of the Indian Arms Act was registered against the petitioners along with other accused. Similarly, another case in Crime No.35 of 1997 of Gospadu Police Station also registered against the petitioners along with others for the offences punishable under Sections 147, 148, 435, 302 r/w.34 of IPC and Sections 3 and 5 of the Explosive Substances Act. After completion of investigation, eventually, charge-sheets were filed against the petitioners along with other accused in both the said Crimes. The cases were committed to trial Court. After conclusion of the trial, the petitioners were convicted in Sessions Case No.161 of 2000 on the file of the V Additional Sessions Judge, Kurnool. But, on appeal preferred by them in Criminal Appeal No.1494 of 2001, the petitioners were acquitted in the said case as per judgment dated

29.04.2014. In the other murder case, the petitioners were acquitted in the trial Court in Sessions Case No.179 of 2017 on the file of the V Additional District and Sessions Judge, Allagadda. Before acquittal of the petitioners in the said two cases, as they were involved in two murder cases and as the activities of the petitioners are found to be prejudicial to the public interest, the impugned rowdy sheets were opened against them by the police.

4. Now, the grievance of the writ petitioners is that even after the petitioners were acquitted in both the cases and eventhough no case is now pending against them in any Court of law, that the police have been illegally continuing the said rowdy-sheets that were opened against them long back in the year 2014. Therefore, the petitioners sought declaration that the opening of the said rowdy sheets against the petitioners and continuing the same as illegal and prayed to quash the same.

5. Counter-affidavit of 5th respondent is filed. It is stated that as the petitioners are involved in two grave crimes and as their activities are prejudicial to the interest of the public and as they have been indulging in unlawful activities that the rowdy sheets opened against them. Therefore, it is prayed to dismiss the Writ Petition.

6. Learned Assistant Government Pleader for Home appearing for the respondents would submit that even though the petitioners are acquitted in the said two murder cases, that

as they have been indulging in unlawful activities, and as the activities of the petitioners are posing threat to the people residing in the locality and as their activities are prejudicial to the interest of the public that the rowdy sheets are being continued to prevent them from committing any such offences. He would submit that invoking Standing Order No.601(A) of the A.P. Police Standing Orders that the said rowdy sheets were opened against the petitioners.

7. It is not disputed before this Court that the petitioners have been acquitted in the said two murder cases. Admittedly, no criminal case is pending against the petitioners now in any Court of law. Therefore, when the petitioners are acquitted in the said two murder cases and when no case is pending against them in any Court at present, there is absolutely no justification to continue the said rowdy sheets that were opened against them when the two crimes for the offence punishable under Section 302 of IPC are pending against them. The respondents ought to have closed the said rowdy sheets after they were acquitted in the said two murder cases. Eventhough, it is stated that the activities of the petitioners are prejudicial to the interest of public and that their activities are posing threat to the public living in the vicinity, no material is placed before this Court to justify the said contention. It is only a bald allegation made sans any evidence to that effect. Therefore, the continuation of the rowdy sheets against the petitioners that

were opened when two crimes were pending against them is, undoubtedly, unsustainable under law.

8. In the similar circumstances, this Court in the case of **Tadiboyina Peraiah @ Mahesh v. State of A.P.**¹ held that when there are no crimes pending against the petitioner and when no material is produced to show that the acts of the petitioner are posing threat to the inmates of the locality that continuation of the rowdy sheet by invoking Standing Order No.601 of the A.P. Police Standing Orders or Standing Order No.602(2) of the A.P. Police Standing Orders, is not justified.

9. Therefore, the Writ Petition is allowed declaring that the continuation of the impugned rowdy sheets against the petitioners is illegal. The respondents 4 and 5 are hereby directed to forthwith close the said rowdy sheets that were opened against the petitioners. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date:04.07.2022.

cs

¹ 2021 (2) ALT (CrI.) 161