

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

Writ Petition Nos.11464, 16056, 17631, 17751, 18105, 18988, 19083, 19317, 19623, 20034, 20058, 20059, 20063, 20409, 20449, 20632, 20960, 21368, 21577, 21625, 21664, 21667, 21745, 22115, 22146, 22561, 23148, 23991, 24234, 24399, 26025, 27725, 27855, 28957, 29017, 30427, 31434, 32065, 32497, 35169, 36434, 37531, 39087, 41083, 41090, 41161, 41973, 44095, 46749 of 2016, 20720 of 2019, 3218, 9202, 12965, 12980, 21626, 21744 and 21745 of 2022

COMMON ORDER:

In this batch of Writ Petitions, the petitioners sought either to quash the rowdy-sheets/suspect-sheets/history-sheets that are opened against them or to direct the respondent police officials to close the said rowdy-sheets/suspect-sheets/history-sheets.

2. Heard learned counsel appearing for the petitioners and learned Assistant Government Pleader for Home appearing for the respondents.

3. These Writ Petitions are being disposed of without going into the merits of the cases on the ground of legal validity of the said rowdy-sheets/suspect-sheets/history-sheets opened by invoking the provisions of A.P. Police Manual or A.P. Police Standing Orders, in view of the recent common order of this High Court, dated 15.07.2022, in W.P.No.3568 of 2022 and batch, whereby this Court held that the Standing Orders of A.P. Police Manual or A.P. Police Standing Orders to the extent of opening/continuation of rowdy-sheets/suspect-sheets/history-sheets and keeping

surveillance on the individuals on the basis of the said rowdy-sheets/suspect-sheets/history-sheets, in terms of Chapter-37 of the aforesaid Standing Orders, are void.

4. The rowdy-sheets/suspect-sheets/history-sheets were opened against the petitioners in all these Writ Petitions in terms of Chapter-37 of the A.P. Police Standing Orders or A.P. Police Manual.

5. The legal validity of Chapter-37 of the said A.P. Police Manual or A.P. Police Standing Orders, on the basis of which the said rowdy-sheets/suspect-sheets/history-sheets are being opened, has been questioned and challenged before this Court in W.P.No.3568 of 2022 and batch. This court, by its common order, dated 15.07.2022, passed in the above batch of Writ Petitions, after considering the law on the issue elaborately with reference to the earlier judgments rendered by the Apex Court and, more particularly, with reference to the Constitution Bench judgment of the Apex Court rendered in the case of **K.S. Puttaswamy v. Union of India**¹, held that Chapter-37 of the A.P. Police Manual or A.P. Police Standing Orders on the basis of which the rowdy-sheets/suspect-sheets/history-sheets are being opened and surveillance is being kept on the individuals on the basis of the said rowdy-sheets/suspect-sheets/history-sheets, as void. At para.45 of the said common order, it is held as follows:

“45) Hence, the Writ Petition No.3568 of 2022 is allowed declaring the Standing Orders of A.P. Police Manual / A.P. Police Standing Orders to the extent of opening/continuation

¹ (2017) 10 SCC 1

of Rowdy Sheet, Suspect Sheet, History Sheet etc., and on that basis the surveillance of the individual (in terms of Chapter 37 of the above said Standing Orders) as void. All the other Writ Petitions are also allowed. All the rowdy sheets opened in this batch of Writ Petitions are directed to be closed immediately. The police cannot open or continue a rowdy sheet or collect data pertaining to a person without the sanction of "law". Collection of personal data and its usage for prevention of crimes also can only be in accordance with a "law" which crosses the thresholds mentioned in the Constitution of India and the various judgments including **K.S.Puttaswamy** case (2 supra) since 'privacy' is now a Fundamental Right as per Part-III of the Constitution of India. It is reiterated that the police cannot (under the existing orders) indulge in night visits; domiciliary visits to the houses of a suspect or accused. They cannot take or demand the photographs, fingerprints etc., except under the procedure established by a 'law' and if the conditions laid down are satisfied. Accused or suspects cannot be summoned or called to the Police Station or anywhere else either during festivals/elections/weekends etc. They cannot be made to wait at the Police Stations for any reason or seek permission to leave the local jurisdiction."

6. Therefore, as the very Chapter-37 in the A.P. Police Manual and A.P. Police Standing Orders, on the basis of which all the rowdy-sheets/suspect-sheets/history-sheets are opened and surveillance is being kept on the petitioners on the basis of the said the rowdy-sheets/suspect-sheets/history-sheets and the same are being continued, is now declared as void, the opening of the said the rowdy-sheets/suspect-sheets/history-sheets against the petitioners and continuing the same is clearly unsustainable under law. They have no legal sanctity and they cannot be sustained under law and they cannot be allowed to be in force and continued any longer.

7. Therefore, in view of the aforesaid common order, dated 15.07.2022, of this Court and for the reasons stated therein, these Writ Petitions are allowed declaring the opening of the rowdy-sheets/suspect-sheets/history-sheets against the petitioners, which are all impugned in these Writ Petitions, as illegal and unconstitutional. Consequently, all the rowdy-sheets/suspect-sheets/history-sheets, opened against the petitioners in these Writ Petitions, stand closed forthwith. The respondents in all these Writ Petitions are directed to close the the rowdy-sheets/suspect-sheets/history-sheets in their records which are opened against the petitioners. No surveillance shall be kept on the petitioners herein on the basis of the said the rowdy-sheets/suspect-sheets/history-sheets and the petitioners shall not be called to the Police Station in connection with any such rowdy-sheets/suspect-sheets/history-sheets, which are now declared as illegal and unconstitutional and which are closed. No costs.

Consequently, miscellaneous applications, pending if any, shall also stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date:21.07.2022.

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