



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 29TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 100579 OF 2025 (GM-POLICE)

BETWEEN:

CHANDRASHEKAR K. S/O. TIPPAYYA,
AGE. 37 YEARS, OCC. COOLIE,
R/O. 1ST WARD NEAR SRI ANJINEYA TEMPLE,
KURIGANURU VILLAGE,
TQ. SIRUGUPPA, DIST. BALLARI- 583120.

...PETITIONER

(BY SRI. B.C. JNANAYYA SWAMI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP BY SECRETARY,
DEPARTMENT OF HOME
M.S. BUILDING, BANGALORE- 560001.
2. THE SUPERINTENDENT OF POLICE,
BALLARI, DISTRICT. BALLARI- 583101.
3. THE ASSISTANCE COMMISSIONER,
SIRUGUPPA SUB DIVISION,
SIRUGUPPA.
4. POLICE SUB INSPECTOR/
STATION HOUSE OFFICER
SIRAGERI POLICE STATION,
TQ. SIRUGUPPA, DIST. BALLARI- 583101.
5. CIRCLE POLICE INSPECTOR,
SIRUGUPPA POLICE STATION,
TQ. SIRUGUPPA, DIST. BALLARI- 583101.

...RESPONDENTS

(BY SRI SHARAD V. MAGADUM, AGA)





THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA IS PRAYING TO, ISSUE WRIT IN THE NATURE OF CERTIORARI OR ANY ORDER OR DIRECTION TO RESPONDENTS QUASHING/CONTINUING OF ROWDY SHEET AS PER ORDER PASSED BY THE RESPONDENT NO. 3 DATED. 15.02.2024 IN BEARING NO. 07/CUV/ROUDY SHEETER/2024 VIDE ANNEXURES-C, IN THE INTEREST OF JUSTICE AND EQUITY. ISSUE WRIT IN THE NATURE OF MANDAMUS DIRECTING RESPONDENT NO.2 TO CONSIDER THE REPRESENTATION DATED. 19.09.2024 FOR REMOVE THE NAME OF PETITIONER HEREIN FROM THE ROWDY LIST VIDE ANNEXURE-E IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE M.NAGAPRASANNA)

1. The petitioner is before this Court seeking the following prayer:

1. To issue writ in the nature of certiorari or any order or direction to respondents quashing/continuing of rowdy sheet as per order passed by the respondent No.3 dated. 15.02.2024 in bearing No. 07/cuv/roudy sheeter/2024 vide Annexure-C, in the interest of justice and equity.

2. To issue writ in the nature of mandamus directing respondent No.2 to consider the representation dated. 19.09.2024 for remove the name of petitioner herein from the rowdy list vide Annexure-E in the interest of justice and equity.

2. Heard the learned counsel Sri. B.C. Jnanayya Swami for the petitioner and the learned AGA Sri.Sharad V.Magadam for the respondent-State.



3. The learned counsel for the petitioner submits that in identical circumstance, this Court in W.P.No.106887/2024 disposed on 09.01.2025 has passed the following order:

1. The petitioner is before this Court calling in question the name of the petitioner being drawn in the list of rowdies before the 4th respondent-Hungund Police Station.

2. Heard the learned counsel for the petitioner and the learned AGA for respondent-State.

3. It transpires that the petitioner gets embroiled in 3 crimes, one in Crime No.174/2016, Crime No.175/2016 and Crime No.14/2017. It is the averment in the petition that on 03.02.2024 and 07.02.2024, the petitioner gets acquitted in Special Case No.6/2017 & Special Case No.117/2017. The petitioner after the said acquittal submits representation to the competent authority, seeking removal of his name from the list of rowdies maintained before the 4th respondent-Police Station. The representation having gone unheeded, the petitioner is at the doors of this Court.

4. The learned counsel appearing for the petitioner submits that the petitioner's name is drawn in the list of rowdies erroneously notwithstanding the fact that the petitioner has been acquitted in 2 of the cases and in the other crime, no witnesses are coming forward to tender evidence. Therefore the representation ought to have met its consideration is what the learned counsel would submit.

5. The learned AGA on the other hand would defend the action of the drawal of the name of the petitioner in the list of rowdies of the 4th respondent-Police Station, on the ground that the petitioner has incurred such drawal due to his involvement in the aforesaid crimes.



6. I have given my anxious consideration to the arguments advanced by the learned counsel appearing for the parties and perused the material on record.

7. The aforesaid narrated facts of drawing of name of the petitioner into the list of rowdy, is a matter of record. The reason for such drawal is the involvement of the petitioner in 3 crimes, 2 of which, he stands acquitted today. After such acquittal, submits a representation for removal of his name from the list of rowdies. The same is yet to be considered. It is apposite to refer to the judgment of the Coordinate Bench in the case of **B S Prakash Vs. the State of Karnataka**, W.P.No.4504/2021, which is disposed on 22.04.2022, wherein the Coordinate Bench of this Court has laid down the following guidelines for drawal and removal of the name of citizens in the list of rowdies:

GUIDELINES FOR ROWDY/HISTORY SHEETING:

i. Before entering the name of an individual to the Register of Rowdies, the jurisdictional police shall collect and collate the material information concerning him and frame the proposal for registration on that basis.

ii. A brief proposal notice shall be sent to the individual concerned in a sealed cover with an option to submit his representation within two weeks as to why his name should not be registered as a rowdy. However, there is no need to afford a personal hearing. In exceptional cases notice may be dispensed with for reasons to be recorded in the Register of Rowdies.

iii. In terms of Clause (5), Order 1059 of the Manual, the Superintendent of Police or the Sub – Divisional Police Officer shall not accord approval for entering the name of individual concerned to the Register of Rowdies without calling for records and objectively considering the same. He shall briefly record his reasons for according the approval and mark a copy thereof to the individual forthwith, with a mention that he may petition the Police Complaints Authority, against the same.



iv. *The jurisdictional Police shall compulsorily once in two years, undertake a periodic review of entries in the Register of Rowdies suo motu, as provided under Clause (2), Order 1057 of the Manual. However, it is open to the aggrieved, to make a representation at any time after one year of registration, seeking deletion of name from the Rowdy Register on the basis of changed circumstances such as rectitude, good conduct, social/community service, etc.*

v. *The representation for review shall be considered by the jurisdictional Police at the initial level within a period of 30 days, during which necessary inputs may be obtained through the available sources as to merits of the claim. The recommendation shall be sent to the jurisdictional Superintendent of Police or the Sub – Divisional Police Officer, within 15 days along with the representation & the material collected thereon. Such recommendation along with the result of consideration of the representation shall be communicated to the individual concerned within next 15 days.*

vi. *Any individual aggrieved by the rejection of his representation or continuation of his name in the Register may petition to the Police Complaints Authority ordinarily within 30 days. However, no personal hearing shall avail. The petition shall be disposed off by recording reasons within an outer limit of 60 days, after considering the material on record or the fresh inputs that may be requisitioned, by the authority.*

vii. *The entire process of Rowdy/History Sheeting from the stage of issuance of proposal notice as specified above, up to the issuance of the orders on the petition if any to the Police Complaints Authority, shall be done only in a sealed cover procedure and that nothing therein shall be disclosed nor made available to anyone, except to the aggrieved, nor any Right To Information (RTI) application shall be entertained in this regard.*



viii. *The violation of these guidelines shall constitute a major misconduct and an adverse entry on proof thereof shall be made by the Disciplinary Authority in the Service Register of the erring official after hearing him and a copy thereof shall be marked to the victim of Rowdy Register/History Sheet, without brooking any delay.*

ix. *Whatever guidelines herein above laid down shall be applicable to the case of History Sheetters as well, mutatis mutandis and subject to the provisions of Karnataka Police Manual, 1965.*

8. *In the light of the issue already answered by the Coordinate Bench, the representation of the petitioner should have met its consideration in terms of the law as laid down by the Coordinate Bench.*

9. *In that light, I deem it appropriate to dispose the petition with a direction to the 2nd respondent to consider the representation of the petitioner bearing in mind the observations made in the course of the order with regard to the judgment rendered by the Coordinate Bench in **B S Prakash** (supra) and pass necessary orders in accordance with law. As a matter of form, the order dated 13.06.2017 stands quashed.*

4. In the case at hand as well, what is pending against the petitioner are civil suits as well as criminal cases and there is no warrant to add the name of the petitioner in the list of rowdies.

5. Learned AGA, also submit that in identical matter civil and criminal cases are pending against the petitioner.



6. In that light, I deem it appropriate to dispose the petition with a direction to the 2nd respondent to consider the representation of the petitioner bearing in mind the observations made in the course of the order with regard to the judgment by the Coordinate Bench in **B S Prakash** (supra) and pass necessary orders in accordance with law. As a matter of form, the order dated 19.09.2024 stands quashed.

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE