

Kuna Ram Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Nov-19-2001

Reported in : 2002(4)WLC469; 2003(1)WLN693

Judge : N.N. Mathur, J.

Acts : Rajasthan Police Rules, 1965 - Rule 206

Appeal No. : S.B. Civil Writ Petition No. 2838 of 2001

Appellant : Kuna Ram

Respondent : State of Rajasthan

Advocate for Pet/Ap. : H.L. Kela, Adv. for; Sunil Mehta, Adv.

Disposition : Writ petition dismissed

Judgement :

Mathur, J.

1. The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking direction to restrain the respondent Superintendent of Police, Nagaur and the S.H.O., Police Station, Rot not to open the 'History Sheet' against the petitioner. Petitioner claims to be a reputed person of village Awat and agriculturist by profession. It is alleged that the police is opening a

'History Sheet' against him at the instance of Bhura Ram, Ram Nath and Roop Ram with whom he has political rivalry. A counter affidavit has been filed by Dr. Pyarelal Shivan, Deputy Superintendent of Police, Jayal, giving instances of misconduct on the part of the petitioner.

2. Having perused the memo of petition and the counter affidavit, I am satisfied that it is not a case, which calls for judicial intervention. To maintain a 'History Sheet', is a part of the criminal administration. The Rajasthan Police Rules, 1965 under Rule 2.6 under Chapter 11 cast a duty on the police to keep record of number of things to prevent the crime in the district, which includes not only the persons of bad character but even professional political agitators, notes of fairs, periodical religious processions and many other things. Thus, to open a 'History Sheet' against the individual is only a preventive measure in the criminal administration, which is based purely on the subjective satisfaction of the concerned police authorities. This Court will not be sitting in appeal on such decision of the police authorities. It is held by the Apex Court in number of cases that it would not be proper for the Court to interfere in administrative matters unless the decision is 'so unreasonable that no reasonable man could have ever come to it'. Reference may be made to a decision of the Apex Court in (AIR 1988 SC 1737) (1). Nothing is borne out from the record to show that the decision of the police authorities is unreasonable. No interference is called for by this Court in exercise of its powers under Article 226 of the Constitution of India.

3. Accordingly, the writ petition is dismissed.