



2026:CGHC:14995-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 173 of 2026

Sushil Kumar Agrawal S/o Late Shri Hetram Agrawal Aged About 55 Years
R/o Village Naya Baradwar Ward No. 05, Police Station Naya Baradwar,
District Sakti, C.G.

... Petitioner

versus

- 1** - State Of Chhattisgarh Through The Secretary, Ministry Of Home,
Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, C.G.
- 2** - Director General Of Police Police Headquarters, Naya Raipur, District-
Raipur, C.G.
- 3** - The Inspector General Of Police Bilaspur Range, District- Bilaspur, C.G.
- 4** - The Superintendent Of Police District- Sakti, C.G.
- 5** - The Station House Officer Police Station- Sakti, District- Sakti, C.G.

... Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Akhand Pratap, Advocate
For Respondents/State	:	Mr. Shaleen Singh Baghel, Govt. Advocate



Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

01/04/2026

1. The petitioner has preferred this Writ Petition under Article 226/227 of the Constitution of India, seeking the issuance of a writ in the nature of Certiorari or any other appropriate writ to quash the impugned order dated 07.01.2026 passed by the Superintendent of Police, District Sakti. By way of the said order, the name of the petitioner has been included in the "Habitual Criminal/Gunda Suchi" at Police Station Naya Baradwar, resulting in the opening of a history sheet and the commencement of consequential police surveillance against him.
2. The present petition has been filed by the petitioner seeking the following reliefs:-

“In view of the facts and grounds stated hereinabove, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to:

10.1. Call for the entire records of the case of the petitioner for kind perusal.

10.2. Issue appropriate writ/writs, direction/directions, order/orders and to direct the police authorities to remove the name of the petitioner from the history sheet of Police Station Baradwar, District Sakti and close the surveillance against the petitioner with immediate effect.



10.3. Quash/set aside the order dated 07/01/2026 passed by Superintendent of Police, District Sakti.

10.4. Any other relief, which this Hon'ble Court deems fit looking to the facts and circumstances of the case, may also be granted to the petitioner."

3. The facts, as projected by the petitioner, are that he is a 55-year-old law-abiding citizen and a former elected Councillor (Parshad) with deep social roots in District Sakti. On 07.01.2026, Respondent No. 4 issued the impugned order branding the petitioner as a "Habitual Criminal" based on a perusal of past police records. The petitioner contends that this action was taken unilaterally, without the issuance of any show-cause notice or providing any opportunity of hearing, thereby violating the fundamental principles of natural justice (*audi alteram partem*).

Furthermore, the petitioner asserts that the inclusion of his name in the surveillance list is founded merely upon the registration of certain FIRs, most of which have not resulted in convictions. It is stated that out of the cases cited, the petitioner has already been acquitted in some, one has been quashed by this Hon'ble Court, and others are either pending or resulted in a discharge. The petitioner alleges that the impugned action is not based on any objective satisfaction of "habituality" but is a result of political vendetta following his change in political affiliation, intended to malign his reputation and restrict his personal liberty.



4. Learned counsel for the petitioner, Mr. Akhand Pratap Pandey, submits that the impugned order is per se illegal and arbitrary. He argues that the mere registration of FIRs does not equate to "habitual criminality" unless there is a consistent pattern of convictions established by a competent court. He further contends that the Superintendent of Police failed to apply his mind to the current status of the cases, as the petitioner stands acquitted or cleared in the majority of the matters cited in the police records.

He further submits that the action of the respondents has severe civil and stigmatic consequences, affecting the petitioner's right to live with dignity under Article 21 of the Constitution. Counsel highlights that the mechanical exercise of power by the police authorities, without following the due process of law or the mandate of the relevant Police Regulations, renders the order unsustainable. He emphasizes that opening a history sheet is a serious encroachment on privacy and should only be done when cogent material exists to prove that the individual is a "habitual" offender.

5. On the other hand, the learned State counsel opposes the petition, submitting that the action taken by the police authorities is a preventive measure aimed at maintaining public order and tranquility in the locality. It is contended that the Superintendent of Police, after reviewing the criminal antecedents and the involvement of the petitioner in multiple offenses over a period, arrived at a subjective satisfaction that surveillance was necessary to deter further criminal activities.



State counsel further submits that the Writ Court should be slow to interfere with the administrative decisions of the police department regarding the maintenance of history sheets, as these are internal records meant for monitoring potential law-breakers. He argues that if the petitioner feels aggrieved, he should first approach the higher departmental authorities for the redressal of his grievances before invoking the extraordinary jurisdiction of this Court.

6. We have heard learned counsel for the parties and perused the material available on record.
7. Having heard the learned counsel for the parties and perused the records, it is evident that the primary grievance of the petitioner is the lack of procedural fairness and the alleged lack of "habituality" in the crimes cited. While the police authorities possess the power to maintain surveillance on habitual offenders to ensure public safety, such power must be exercised within the four corners of the law and the principles of natural justice. An order that carries a social stigma and restricts a citizen's freedom cannot be passed without a reasonable application of mind to the actual status of the criminal cases involved.
8. Accordingly, without expressing any opinion on the merits of the case at this stage, the present petition is disposed of with a direction to the petitioner to file a detailed representation before the Superintendent of Police, District Sakti, within a period of fifteen days from today, raising all the factual and legal grounds mentioned herein. Upon such representation being filed, the Superintendent of Police shall consider



the same objectively, verify the current status of the FIRs mentioned in the history sheet, and pass a reasoned and speaking order in accordance with the law within a further period of four weeks. The outcome of the said consideration shall be communicated to the petitioner forthwith.

9. With the aforesaid observations and directions, the Writ Petition stands **disposed of**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

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