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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 23<sup>RD</sup> DAY OF JUNE 2025 / 2ND ASHADHA, 1947

WP(C) NO. 16614 OF 2025

PETITIONER(S) :

NIXON

AGED 40 YEARS

S/O. XAVIER, PUTHENPADATH HOUSE, VELI, FORT  
KOCHI P.O., KOCHI, PIN - 682001

BY ADV SRI.SHABU SREEDHARAN

RESPONDENT(S) :

- 1 THE CITY POLICE COMMISSIONER, KOCHI  
PARK VIEW, MARINE DRIVE, ERNAKULAM, PIN -  
682011
- 2 THE STATION HOUSE OFFICER  
FORT KOCHI POLICE STATION, TOWER ROAD, FORT  
NAGAR, FORT KOCHI, KOCHI, PIN - 682001
- 3 THE ASST. COMMISSIONER OF POLICE, MATTANCHERRY  
MAULANA AZAD ROAD, MATTANCHERRY, KOCHI,  
PIN - 682002

BY ADVS.

SHRI.P.NARAYANAN, SENIOR PP  
SHRI.SAJJU.S., SENIOR G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 23.06.2025, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

**CR****P.V.KUNHIKRISHNAN, J**-----  
W.P.(C) No.16614 of 2025  
-----Dated this the 23<sup>rd</sup> day of June, 2025**JUDGMENT**

If a 'rowdy cap' is given to a person, should that cap continue until his death? "Once a rowdy, should be treated as a rowdy always?". Whether the rowdy history sheet prepared is for familiarising police personnel to know the criminal background of such persons, or whether it should be exhibited in the police station, infringing the privacy of the person? These are the questions to be decided in this case.

2. The petitioner hails from a middle-class Christian family at Fort Kochi. His father is no more, and his mother is aged 70 years and she is having old age ailments. He has two elder brothers, the 1<sup>st</sup> one is a building contractor and the 2<sup>nd</sup> one is working as a shop



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manager at the Faber Galaria in Maradu. All of them are living as a joint family in the tharavadu house, is the submission. The petitioner completed the 10<sup>th</sup> class. His friends' circle led him to get involved in several criminal cases, is the submission. However, it is the case of the petitioner that he has not been involved in any criminal case for the last 8 years. He has totally given up his earlier friendships and now leads a quiet life with his family members, is the submission. According to the petitioner, he is working as a supervisor in the building contract works of his eldest brother and is looking after the entire affairs of his mother. It is also the case of the petitioner that he is regularly attending the church on all Sundays, and is pursuing the path of a god fearing man. The elders of his family are looking for a suitable bride for him, is the further submission. But, the grievance of the petitioner is that, his photograph, with his name written thereunder, is seen exhibited in the rowdy list gallery of



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Fort Kochi Police Station. On enquiry, it is learnt that the 2<sup>nd</sup> respondent has done the same as per the instructions given by the 1<sup>st</sup> respondent. According to the petitioner, not even a single crime is registered against the petitioner in the Fort Kochi Police Station, within the jurisdiction of which he has been living throughout his life. It is the case of the petitioner that, exhibiting the photo with the name of the petitioner in the rowdy list gallery of Fort Kochi Police Station has been causing mental agony and suffering not only to him but also to his family members. It will have the effect of ruining the life and future of the petitioner, including his marriage prospects, is the submission. Therefore, it is contended by the petitioner that the exhibition of his photo in the rowdy list gallery of Fort Kochi Police Station is unnecessary, especially because he has not been involved in any criminal case for the last 8 years. In almost all the pending criminal cases, he was acquitted. It is the definite case of the petitioner



that he does not even want to remember his past life, and now he is leading the life of a god fearing and law-abiding citizen. He undertakes not to be involved in any criminal case hereafter. Therefore, he submitted that it is very much necessary for him to get his photograph with the name removed from the rowdy history sheet of Fort Kochi Police Station at the earliest. Therefore, the petitioner submitted Ext.P1 representation before the 1<sup>st</sup> respondent. Ext.P2 is the receipt. The 1<sup>st</sup> respondent did not take any favourable steps in the representation. Hence, the petitioner approached this Court by filing W.P.(C) No.21176/2024 seeking to direct the respondents therein to remove the photograph with the name of the petitioner from the rowdy history sheet of Fort Kochi Police Station at the earliest. As per Ext.P3 judgment, this Court was pleased to dispose of the said writ petition, directing the 1<sup>st</sup> respondent to consider and pass orders on Ext.P1 after hearing the petitioner. On producing the Ext.P3 judgment,



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the 1<sup>st</sup> respondent conducted a hearing in which the petitioner attended. But, the 1<sup>st</sup> respondent issued Ext.P4 order rejecting the same, stating that the petitioner is involved in 18 criminal cases. It is the case of the petitioner that, in 16 out of 18 cases mentioned in Ext.P4, the petitioner is acquitted by the court concerned. The remaining cases are Crime No.1408/2016 of Panangad Police Station and Crime No.52/2007 of Ramankari Police Station. It is submitted that, Crime No.52/2007 of Ramankari Police Station, which was charge sheeted and was pending before the Assistant Sessions Court, Alappuzha as S.C. No.126/2023, was quashed by this Court as per Ext.P5 judgment. Now, what remains is Crime No.1408/2016 of Panangad Police Station. The above crime is pending as C.C. No.1843/2020 before the Judicial First Class Magistrate Court, VIII, Ernakulam. It is submitted that there are 15 accused in the said case, and the petitioner is the 8<sup>th</sup> accused therein, and he is on bail



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in that case. He regularly appears before the court in the said case, is the submission. It is also the case of the petitioner that the de facto complainant in that case also has no grievance against the petitioner. Moreover, not even a single case was registered against the petitioner in the Fort Kochi Police Station, where the petitioner has resided since his birth date is the submission. It is also the case of the petitioner that for the last 8 years, there has been no criminal case registered against the petitioner. According to the petitioner, even if the police want to watch his activities, exhibiting the photograph with the name of the petitioner in the rowdy list gallery of Fort Kochi Police Station is not at all necessary for the said purpose. Therefore, this Writ Petition is filed with the following prayers:

*"(a) To call for the records leading to Exhibit-P4 and quash Exhibit-P4 by issuing a writ of certiorari.*

*(b) To issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to remove the photograph with the*



*name of the petitioner from the rowdy list gallery of Fort Kochi PS within a timeframe.*

*(c) And to pass such other appropriate orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, so as to secure the ends of justice.*

*(d) The petitioner also prays that this Hon'ble Court may be pleased to dispense with the translation of the document produced in Vernacular Language." [SIC]*

3. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor.

4. Counsel for the petitioner reiterated the contentions raised in this Writ Petition. The counsel submitted that the petitioner has not been involved in any case for the last 8 years. It is also submitted that the cases registered against the petitioner, which are narrated in Ext.P4, are all closed, and he is acquitted in all those cases except one case in which the petitioner is the 8<sup>th</sup> accused. The counsel submitted that, when a person comes with a clean slate of nil crime for about 8 years, his





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prayer to remove his name from the rowdy history list is to be considered by the police authorities.

5. The Public Prosecutor seriously opposed the prayers in this Writ Petition. The Public Prosecutor submitted that the petitioner is involved in several cases, and some of the cases are very serious. The Public Prosecutor submitted that the petitioner is involved in cases from 20.06.2004 to 21.06.2017, i.e, for about 13 years. The Public Prosecutor also submitted that the offences alleged in some of the cases includes the offences under Sections 397, 307, 308, 395, 363 & 365 of the Indian Penal Code, 1860, Section 27 of the Arms Act and Sections 55(a) and 8(g) of the Kerala Abkari Act. The Public Prosecutor submitted that the petitioner is now engaged in the real estate business and has been constantly in contact with the suspected persons and people who are engaged in criminal activities. Therefore, he is under close watch, so that he is abstaining from



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criminal activities. But considering his previous criminal antecedents, his present evasion cannot be trusted. So it is evident to put him under strict surveillance, and then only he will be forced to desist from involvement in criminal activities, is the submission. It is also submitted that, in order to familiarise him and his criminal activities with all police officers in the police station, displaying his photograph is seen apparently relevant. The crime data against Nixon was also furnished by the Inspector of Police (IOP), Fort Kochi, is the further submission. Though the petitioner has not been involved in any case for the past 7 years, it is seen that he is an apt person for constant monitoring and an inevitable person to be placed in the criminal gallery. The nature of his previous criminal antecedents and present engagements is not sufficient to remove his photograph from the criminal gallery, is the submission. Therefore, it is submitted that the prayers in this Writ Petition may not be entertained by this Court.



6. This Court considered the contentions of the petitioner and the Public Prosecutor. As I mentioned earlier, once a rowdy need not always be a rowdy. It is a fact that about 16 criminal cases are registered against the petitioner, and some of them are registered with serious offences. But, it is conceded by the prosecution that in almost all the cases, he is acquitted, except in one case in which the petitioner is the 8<sup>th</sup> accused. It is also an admitted fact that the petitioner is not an accused in any criminal case at Fort Kochi, where he is now residing. It is also an admitted fact that the last case registered against the petitioner was on 21.06.2017, and he was acquitted in that case on 26.10.2018. Thereafter, no case is registered against the petitioner in any of the police stations in the Ernakulam District. But he is under surveillance even now.

7. Our criminal justice delivery system is not punitive alone, but reformation is the main goal in Indian



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criminal jurisprudence, except in cases where capital punishment is prescribed. A person becomes rowdy because of his circumstances in life. Economic factors are also a reason for creating criminals in society. Economic hardship can drive individuals to crime as a means of survival. Limited access to quality education can hinder opportunities and increase the likelihood of criminal behaviour. Joblessness can lead to desperation and increase the risk of involvement in criminal activities. Similarly, dysfunctional family environments or a lack of parental guidance can contribute to criminal tendencies. Moreover, growing up in areas with high crime rates can also be a reason for the criminal involvement of individuals. Similarly, mental health trauma will also lead to criminal activities. To remove criminal activities from our society, better education, creating job opportunities, support for mental health, community engagement, etc., are important. By addressing these underlying factors,



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society can work towards reducing crime rates and promoting a safer, more supportive environment for all, including the criminals.

8. "Rowdy" refers to behaviour that is rough, noisy, and often violent or disruptive. It seems that the term "rowdy" originated in the early 19<sup>th</sup> Century, likely from the Irish word "ruaidi", meaning red-haired or hot-tempered. Over time, the term evolved to describe behaviour that is rough, noisy, and unruly. Society plays an important role in the reformation of criminals, including rowdies. An environment in which society continues to blame criminals simply because of their past history should be avoided. A person is not born as a criminal. The society and all of us create criminals because of certain situations which should be avoided. Therefore, every citizen has a duty to see that the criminals are going on a reformatory pathway.

9. One Mr. Jayanandan, who is known as "Ripper



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Jayanandan", was involved in several murder cases. He is now undergoing life imprisonment. He approached this Court earlier with an application for parole for participating in a function in connection with the release of his own book. This Court allowed that prayer as per the judgment dated 18.12.2023 in W.P.(Crl.) No.1307/2023. The relevant portion of the above judgment is extracted hereunder:

*"11. Here is a case where the petitioner's husband who is a convict undergoing imprisonment for about 17 years. He wrote a book as evident by Ext.P3. He studied only up to 9th standard. The book release is scheduled on 23.12.2023. A convict in detention for 17 years wrote a book and he wants to participate in his book release function is the situation. In such a situation, I am of the considered opinion that the constitutional court should step in, even if the Rules do not permit such release. The petitioner's husband should be given an opportunity to participate in the book release function and also on the previous day for making arrangements for the function. Therefore, the petitioner's husband should be allowed two days escort parole on 22.12.2023 and 23.12.2023".*



10. I am not saying that the above-mentioned person is already reformed. But it seems that he is on the path of reformation. It is also to be noted that the relatives of the persons who were murdered by him are also in the society. That is one of the reasons why he is continuing in jail even now. As per the Hindu purana, 'Ramayanam' was written by Valmiki. Valmiki, one of the most revered sages in Hindu mythology, was originally a forest dweller who lived a life of crime, by robbing travellers in the forest to support his family. The puranic story says that, after he met the 'Saptarishis' (Seven sages) and heard their words, he reformed and thereafter wrote the great epic 'Ramayana'. It cannot be said that a criminal will always be a criminal and a rowdy will always be a rowdy. If the person is coming with a genuine claim that he is on the reformatory pathway, the court cannot ignore the same. This Court perused the statement filed by the police and also the contention of the Public



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Prosecutor. The police officers will be apprehending danger to society from criminals. Their intention is only to see that there are no further criminal activities from such criminals. A perusal of the statement would not show that there is any *malafide* intention on the part of the police in including the petitioner in surveillance. But, their intention is *bonafide* and they want to see that the petitioner will not commit similar offences in future. I am of the opinion that an opportunity should be given to the petitioner to reform himself. The petitioner should always remember that this Court accepts his words, rejecting the contentions of the police that he may commit offences in future also because of his criminal background. It is an admitted fact that, for the last 8 years, the petitioner has not been involved in any criminal offences. I am taking his words and his conduct for the last 8 years as a ground to remove his name from the rowdy history list.

11. Since this Court decides to remove the





petitioner's name from the rowdy history list kept in the 2<sup>nd</sup> respondent police station, the second point mentioned in the first paragraph of this judgment may not be relevant. But, there is a general belief in the society that the rowdy list will be published in the police station so that everybody going there can see the rowdy list and the photographs of the rowdies. Even in some Malayalam movies, such a description is given stating that the name and photograph of the rowdies will be exhibited in the police station. This is a wrong concept. The society should know that, once a rowdy history sheet is opened against a person, it will not be exhibited to the public, and such a sheet is opened only for the reference of the police officers in that police station. It is clear from the statement filed in this case by the Deputy Commissioner of Police, (Law & Order, Traffic) Kochi City, dated 29.05.2025. Paragraph No.7 of the above statement is extracted hereunder:

*"7. It is submitted that when a person is found to have multiple serious criminal cases registered*



*against him and is considered a habitual offender or a threat to public order, his name and photograph are entered in the rowdy list. **The photographs are displayed within the police station premises in a secure area accessible only to police personnel, ensuring confidentiality and preventing public exposure.** The display also serves the purpose of familiarising newly joined police personnel with such criminal background persons. In view of this, the request for removal of his photograph from the gallery is devoid of merit.”*  
(emphasis supplied)

12. In the light of the same, it is clear that the photographs of the criminals are not displayed in the police station premises, which is accessible to the public. It will be kept in a secure area accessible only to the police personnel, ensuring confidentiality and preventing public exposure. Therefore, there is no infringement of the privacy of the criminals, and society should also know the same.

The upshot of the above discussion is that the petitioner's name should be removed from the surveillance



list/Rowdy History sheet of criminals kept in the 2<sup>nd</sup> respondent police station.

Therefore, this Writ Petition (C) is allowed in the following manner:

1. Ext.P4 is set aside.
2. The respondents are directed to remove the photograph and the name of the petitioner from the rowdy list gallery of Fort Kochi Police Station and should also remove the the Rowdy history sheet opened with the name of the petitioner in the Fort Kochi Police Station within two weeks from the date of receipt of a certified copy of this judgment.

Sd/-

**P.V.KUNHIKRISHNAN, JUDGE**

APPENDIX OF WP(C) 16614/2025

## PETITIONER EXHIBITS

|            |                                                                                                                 |
|------------|-----------------------------------------------------------------------------------------------------------------|
| EXHIBIT-P1 | THE TRUE COPY OF THE REPRESENTATION<br>SUBMITTED BY THE PETITIONER BEFORE<br>THE 1ST RESPONDENT DATED 25.3.2024 |
| EXHIBIT-P2 | THE TRUE COPY OF THE RECEIPT DATED<br>25.3.2024                                                                 |
| EXHIBIT-P3 | THE TRUE COPY OF THE JUDGMENT IN<br>WP(C) NO. 21176/2024 DATED 2.7.2024                                         |
| EXHIBIT-P4 | THE TRUE COPY OF THE ORDER ISSUED BY<br>THE 1ST RESPONDENT DATED 8.8.2024                                       |
| EXHIBIT-P5 | THE TRUE COPY OF THE ORDER IN CRL MC<br>NO. 1390/2025 DATED 6.3.2025                                            |