

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 18498 of 2011

Date: 08.06.2015

Between:

Syed Fazil @ Syed Hussain,
Hyderabad and others.

.... Petitioners

And

The State of A.P.,
Rep. by the Department of Home Affairs,
Rep. by the Secretary in the Department of Home Affairs,
Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 18498 of 2011

ORDER:

This Writ Petition was filed seeking a direction to the police authorities and more particularly, the Station House Officer, Pahadi Shareef Police Station, Cyberabad, to take action in accordance with law in the event any complaint is pending against the petitioners herein or in the alternative, cease and desist from harassing them.

By order dated 11.07.2011, upon being informed that Crime No.172 of 2011

had been registered on the file of the Pahadi Shareef Police Station against the other three daughters of the first petitioner and the averment made on behalf of the petitioners that there was no other complaint or crime registered against them, this Court directed the police authorities not to arrest the petitioners unless a complaint was registered against them or they were involved in some other crime apart from Crime No.172 of 2011 on the file of the Pahadi Shareef Police Station.

The Inspector of Police, Pahadi Shareef Police Station, Cyberabad, filed a counter affidavit stating that one Alugu Krishna had lodged a complaint whereupon Crime No.172 of 2011 was registered under Sections 379, 427 and 447 I.P.C on the file of the Pahadi Shareef Police Station. The three daughters of the first petitioner, other than the petitioners 2 and 3, were arrayed as accused Nos.1 to 3 therein. The Inspector further stated that investigation in the crime manifested that the first petitioner had masterminded the offence and that the Writ Petition had been filed as the first petitioner was going to be arrayed as an accused in the crime. In para 5 of the counter affidavit, the Inspector admitted that as of then the first petitioner's name was not shown as an accused, but as there was ample evidence regarding his involvement, steps would be taken thereafter. He asserted that the Writ Petition had been filed to prevent the police from taking action.

Though no reply affidavit has been filed by the petitioners rebutting the above counter affidavit averments, Sri R. Sameer Ahmed, learned counsel representing Sri Sarosh Bastawala, learned counsel for the petitioners, produced a copy of the charge sheet filed before the learned XIV Metropolitan Magistrate, Cyberabad, at L.B Nagar in Crime No.172 of 2011. This charge sheet was filed on 30.10.2013 and the accused therein are shown to be Sadiya Yasmeen, Safiya Yasmeen and Hasfa Yaseen, the other three daughters of the first petitioner. The first petitioner is therefore not arrayed as an accused in the said crime.

In the light of the above and keeping in mind the interim order passed by this Court, the Writ Petition is disposed of directing the police authorities not to interfere with the life and liberty of the petitioners herein unless they are involved in any criminal activity or are required during the investigation of any criminal activity. In the event the attendance and examination of the petitioners is warranted, the police authorities are bound to abide by the due procedure laid down by law.

Pending Miscellaneous Petitions shall stand closed in the light of this final

order. No order as to costs.

SANJAY KUMAR, J

Date: 08.06.2015

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