

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.26486 of 2011

ORDER:

The grievance of the petitioner in this case was that the police authorities were interfering with his life and liberty without the sanction of law. His complaint was that his employer, M/s.Sindhu Cargo Services Limited, which had Offices at Bengaluru and Hyderabad, was dissatisfied with his functioning whereby it perceived that a loss had been caused and at its behest, the police authorities were interfering with his life and liberty without there being any crime being registered against him.

The Inspector of Police, Yelhanka Police Station, Bangalore City, filed a counter-affidavit stating that no complaint or case had been registered against the petitioner and therefore, the question of interference by the police authorities of Bangalore city did not arise.

A separate counter-affidavit was filed by the petitioner's employer, M/s. Sindhu Cargo Services Private Limited, through its Managing Director. The allegation of the petitioner as to police interference at its behest was denied and it was asserted that the petitioner had filed the writ petition only to threaten the employer and dissuade it from taking recourse to legal proceedings for recovery of the amounts due and also for criminal breach of trust and cheating.

Sri P.Subash, learned counsel for the employer company, further states on instructions that as on the date of filing of the writ petition, no complaint had been registered with the police authorities against the petitioner.

The Begumpet police authorities did not choose to file a counter-affidavit as yet but in the light of the afore-stated facts, this Court is of the opinion that the writ petition can be disposed of without awaiting the response of the local police.

As there appears to be a dispute between the petitioner and his employer company, it is for them to take recourse to appropriate legal proceedings. In the event any criminal activity is imputed to the petitioner and a complaint is made to the police authorities concerned in this regard, a FIR would necessarily have to be registered and investigation would have to be taken up in accordance with the due procedure. The petitioner cannot object to such action on the part of the police authorities. Needless to state, the police would have to abide by the due procedure prescribed in the Code of Criminal Procedure, 1973, in the event any complaint is made against the petitioner warranting action on the criminal side.

Making this position clear, the writ petition is closed.

Pending miscellaneous petitions shall also stand closed. No order as to costs.

SANJAY

KUMAR, J

24th JUNE, 2015.

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