

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.19678 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking following relief:

“to issue Writ of Mandamus directing the respondents not to summon the petitioner and detain and use third degree methods under the guise of investigation in Cr.No.50 of 2015 before the CCS, D.D., Hyderabad.”

Heard Sri D. Madhava Rao, learned counsel for the petitioner and learned Government Pleader for Home for respondents.

According to the petitioners, he is a businessman and has been living in Domalguda for the last 10 years and his family consists of himself, wife and son. Basing on the complaint lodged by one Mr.Ranjeeth Singh Khanuja, the police, Central Crime Station, Detective Department, Hyderabad registered a case in Crime No.50 of 2015 against the son of the petitioner herein for the offences alleged under Sections 420, 406, 467, 471 and 468 of IPC. It is alleged in the affidavit filed in support of the writ petition that for the last one month police and the complainant in Crime No.50 of 2015 are harassing the petitioner asking the members of the petitioner's family to come to Central Crime Station, Hyderabad. It is also alleged that the petitioner's family members are receiving several calls from Central Crime Station, Hyderabad to come and appear before the police on the ground of registration of crime against the petitioner's son. It is stated in the writ affidavit

that the petitioner's son is a major and the petitioner herein has nothing to do with the alleged transaction.

The Assistant Commissioner of Police, ADR Team, Central Crime Station, Detective Department, Hyderabad issued a notice, dated 29-06-2015, which reads as under:

"Basing on the complaint lodged by Sri Ranjeeth Singh Khanuja, S/o.Inder Singh Khanuja, R/o.Flat No.401, Legend Sunflower, Gaganmahal colony, Hyderabad a case in Crime No.50/2015, U/s:420, 406, 467, 471 and 468 IPC of CCS, DD, Hyderabad has been registered and took up investigation is taken by the under signed.

In the above said case your son Bharath is cited as accused who is absconding. Hence, you are hereby instructed to appear before me in my office C.C.S., situated Opposite Kalanjali, Public garden, Hyderabad to give your explanation within two days without fail.

Please acknowledge the receipt of the notice."

In the above background, the present writ petition has been filed. When the matter is called today, written instructions, dated 02-07-2015 furnished by the Assistant Commissioner of Police, ADR Team, C.C.S., D.D., Hyderabad to the office of the learned Government Pleader for Home have been placed on record and the last two paragraphs of the said instructions are as under:

"Basing on the evidence collected on record, on 19-05-2015 I have sent a notice to the accused Bharath Aildasani under Section 41 (A)/91 Cr.P.C., but his parents informed that the accused Bharath Aildasani is not available and they failed to disclose his whereabouts. Therefore, on 29-06-2015 I have prepared a notice U/s:160 Cr.P.C. Due to typographical mistake instead of 160 Cr.P.C. mentioned two Sections i.e., 41 (A)/160 Cr.P.C. and served the same on Sri Harish Aildasani (father of accused Bharath Aildasani) under proper acknowledgment, wherein it was instructed him to appear before me in my office at C.C.S., Hyderabad to furnish his

explanation regarding his son i.e., Bharath Aildasani, but in spite of notice the above person Sri. Harish Aildasani neither appear in my office nor submitted any explanation.

It is further submitted that meantime on 30-06-2015 the above said Harish Aildasani had approached the Hon'ble High Court, Telangana State, Hyderabad and filed a writ petition vide WP No:19678/2015, alleging that I have summoned him to my office for giving explanation about his son, he further alleged that his son i.e., alleged accused Bharath Aildasani is not absconder, he is working in Abidjan, West Africa and his son would face the consequences of law, but under the above notice he is apprehending danger from the C.C.S. police, and he is prepared to appear before me in my office. It is pertinent to mention here that the above said Harish Aildasani is neither accused in the case nor defaulter, but only father of alleged accused Bharath Aildasani, therefore being a father of alleged accused I have summoned the said Harish Aildasani to furnish his representation mentioning his son's details as well as his whereabouts, except that the said Harish Aildasani is no where concern in this case. It is suspected that the alleged accused Bharath Aildasani has absconded himself after registering this instant case against him with an intention to avoid the consequences.

Submitted for favour of kind information."

On noticing the above mentioned written instructions, it is submitted by the learned counsel for the petitioner that the petitioner herein is ready to appear before the police in terms of notice, dated 29-06-2015 on ensuing Saturday at 10.30 A.M. accompanied by his counsel and the petitioner herein is also ready to give explanation to the police in terms of the said notice.

Recording the above submissions of the learned counsel for the petitioner and having regard to the written instructions furnished by the Assistant Commissioner of Police, ADR Team, Central Crime Station, Detective Department, Hyderabad, the writ

petition is closed. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ
Petition shall stand closed.

A.V. SESA SAI, J

July 03, 2015

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THE HON'BLE SRI JUSTICE A.V. SESA SAI

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