

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.6398 of 2015

ORDER:

Heard.

The petitioner claims that the 3rd respondent is repeatedly making phone calls and threatening him to attend to the police station though no crime or complaint is registered against him.

Learned Government Pleader has received instructions from the 3rd respondent, which state that a complaint of cheating for the purpose of wrongful gain in the name of providing job was received from the 4th respondent on 02-03-2015. In the said complaint, allegations are made against A1. Hence, the same is registered as a case in Cr.No.66 of 2015. against A1. During investigation, the 3rd respondent recorded the evidence of LWs.1 to 5 and that involvement of the petitioner is also found and hence, the petitioner is shown as A2 in the said crime and one ASI was deputed to Hyderabad to make enquiry about the petitioner and to serve notice under Section 41-A Cr.P.C. It is further stated that A1 and A2 are absconding from their residential house and therefore, unable to serve notices on A1 and A2. However, A2 has filed the present writ petition.

Evidently, during investigation, the role of the petitioner was noticed and hence he was shown as A2 and the 3rd respondent seeks to serve notice under Section 41-A Cr.P.C. on the petitioner. I do not find any illegality or irregularity in the said action of the 3rd respondent.

Since the petitioner appears to be working in the A.P. Police Housing Corporation, Hyderabad, there is no reason as to why notice under Section 41-A Cr.P.C. is not being served on him. The 3rd respondent is therefore at liberty to serve notice on the petitioner and record his statement and take further action in accordance with law.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 19-03-2015

Note:

Issue C.C. in two days

(B/o)

Prv